

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. AUGUST 27, 1996

PRESENT:

Steve Bradhurst, Chairman (Arrived at 9:10 a.m.)
Grant Sims, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Jim Shaw, Commissioner

Judi Bailey, 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 Bond, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Sims ordered that the agenda for the August 27, 1996 meeting be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

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Chairman Bradhurst arrived at the meeting and assumed the gavel.

96-858 EXOTIC ANIMAL PERMIT - RICK GLASSEY

Bud Fujii, Director, General Services Department, responded to questions raised by the Board at yesterday's caucus. He reviewed the existing exotic animal permits in the subject area, advising that Animal Ark adjacent to the subject has a permit for up to 32 animals, and there is a permit in the Red Rock area for two cats, and also one for two cougars in Golden Valley. He added that Sierra Safari Zoo, a commercial property that does not require a County permit, is also located in the area. He stated that the Code requires security fencing, and the Board could require a secured top, double fencing and double gates. Mr. Fujii answered further questions of the Board, and Chairman Bradhurst referred to a letter received by Commissioner Bond from the North Valleys Citizen Advisory Board requesting that a wide cantilevered top and double gates be required per Washoe Code 55.384, and suggesting that the Board consider establishing additional guidelines with regard to the number and kind of exotic animals permitted in a particular geographic area.

The applicant was not present.

Mr. Fujii provided further information and reviewed a map of the Red Rock area depicting the location of the parcels that have exotic animal permits. Upon inquiry of Commissioner Bond, Mr. Fujii advised that the Board is the only entity that can limit how many animals would be granted on a permit; and that the Board could require that the Homeowner's Association be notified when an

application is being considered.

Commissioner Shaw stated that he believes the Board should review the policy for issuing exotic animal permits to determine what might constitute too many animals for a certain area, as well as the proximity of the permits. Chairman Bradhurst agreed.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the Exotic Animal Permit Application of Rick Glassey for lions, leopards and tigers totaling nine animals, be approved with the requirement that a cantilevered top and double fencing be installed as required by WCC 55.384; and that the premises be reinspected when construction has been completed and before an animal is kept on the property. It was further ordered that the District Attorney's Office be directed to draft changes to the existing ordinance that would require that the homeowners' associations and citizen advisory boards of the subject area be notified of all exotic animal permit applications.

The Board further directed that the County Manager forward a letter to the Exotic Animal Advisory Board requesting that they respond to the concerns set forth in the letter from the North Valleys Citizen Advisory Board dated July 12, 1996.

96-859 CORRECTION OF FACTUAL ERRORS - EXECUTION OF ORDERS - 1996/97 TAX ROLLS - ASSESSOR

Following discussion, upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed for the 1996/97 Tax Rolls, 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 Order 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. 314	Daniel V. & Christine B. Fagan, TRS	Parcel No. 003-082-42
Roll Change Request No. 315	Brian & Kimberly Strachan	Parcel No. 003-542-02
Roll Change Request No. 316	Jack P. & Carol M. Baum	Parcel No. 009-382-08
Roll Change Request No. 317	Veterans Hospital Foundation, Inc.	Parcel No. 013-124-22
Roll Change Request No. 318	Macerich Partnership	Parcel No. 015-220-32
Roll Change Request No. 319	Irene V. Brubaker	Parcel No. 076-171-15
Roll Change Request No. 320	W. B. McDonald	Parcel No. 082-270-12
Roll Change Request No. 321	James E. Paullo TR U/C James R. & Bessie R. McConnell	Parcel No. 085-071-11
Roll Change Request No. 322	Tahoe Forest Hospital District	Parcel No. 132-011-07
Roll Change Request No. 323	Martin Joseph	Parcel No. 200-121-18
Roll Change Request No. 324	James J. & Christine B. Holmes	Parcel No. 508-030-09
Roll Change Request No. 325	Gary & Mary C. Hutchinson	Parcel No. 514-110-05
Roll Change Request No. 326	Country Club Villas	Parcel No. 130-380-01

96-860 CORRECTION OF FACTUAL ERROR - EXECUTION OF ORDER - 1995/96 UNSECURED ROLL - ASSESSOR

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Roll Change Request correcting factual error on tax bill already mailed to Affordable Autos, Inc. for the 1995/96 Unsecured Roll, I.D. No. 2/260-0910 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 Order directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

96-861 AWARD OF BID - BID NO. 1942-97 - FOAM ROOFING, RECOATING, REPAIR, AND SEAL COATING OF VARIOUS COUNTY BUILDINGS - BUILDINGS AND GROUNDS DIVISION

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 August 1, 1996, for Foam Roofing, Recoating, Repair, and Seal Coating of various County buildings for the Building and Grounds Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

- Technical Applications
- Alpine Roofing
- Roof Crafters, Inc.

CEI West Roofing Co., Inc. submitted a "No-Bid" response and Central Coating Co., Inc. failed to respond to the invitation to bid.

Bud Fujii, Director, Department of General Services, provided information and responded to questions of the Board.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1942-97 for Foam Roofing, Recoating, Repair, and Seal Coating of Various County Buildings for the Buildings and Grounds Division of the General Services Department be awarded to the lowest responsive, responsible bidders as follows:

Technical Applications		
Bid Item #1	Courthouse (old jail)	\$26,597.00
Bid Item #3	Detention Facility	\$16,000.00
		\$42,597.00
Alpine Roofing		
Bid Item #2	1205 Mill St. Facility	\$26,428.00
	Total value of award	\$69,025.00

It was further ordered that Bid Item 3A, the add alternate for seal coating the Detention facility roof, be rejected as the repairs under Bid Item No. 3 should be sufficient to maintain the foam roof for some years to come; and that the Purchasing and Contracts Administrator be authorized to execute the agreement for the Foam Roofing, Recoating, Repair, and Seal Coating of Various County buildings pursuant to the terms and conditions of the bid as awarded.

96-862 AWARD OF BID - BID NO. 1954-97 - ROOF REPLACEMENTS AT BOWERS MANSION, DAVIS CREEK AND GALENA CREEK PARKS - BUILDINGS AND GROUNDS

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 August 6, 1996, for roof replacements at Bowers Mansion, Davis Creek and Galena Creek Parks for the Buildings and Grounds Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

- Van Dyne and Sons Roofing
- Scott Roofing

D & D Roofing and Horizon Roofing failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1954-97 for roof replacements at Bowers Mansion, Davis Creek and Galena Creek Parks for the Buildings and Grounds Division of the General Services Department be awarded to the lowest responsive, responsible bidder, Van Dyne and Sons Roofing, in the amount of \$28,768. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement for the roof replacements at Bowers Mansion, Davis Creek and Galena Creek Parks pursuant to the terms and conditions of the bid as awarded. It was noted that the bid award encompasses bid items 1, 2, and 3.

96-863 AWARD OF REQUEST FOR PROPOSAL - RFP NO. 1939-96 - STATUTORY REQUIRED MENTAL HEALTH EXAMINATIONS FOR INVOLUNTARY CIVIL COMMITMENTS - DISTRICT COURTS, FAMILY DIVISION

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 June 11, 1996, for Statutory Required Mental Health Examinations for Involuntary Civil Commitments for the District Courts, Family Division. 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:

- Clark & Clark, Ltd.
- Richard W. Lewis, Ph.D.
- Psychological Services of Frank Evarts, Ph.D.
- Psychiatric Services Unlimited
- Reno Psychological Associates

Joann Bherman-Lippert, Ph.D.; Thomas E. Bittker; Jack F. Clarke, Ph.D.; Dickson, O'Bryan, Dugan & Associates; Charles T. Holt dba Personal Development Consultants; Edward J. Lynn, M.D., Ltd.; Mental Health Medical Associates, Jerry A. Howle, M.D.; Mental Health Medical Associates, Louis Richnak, Jr., M.D.; Jerry P. Nimms; Mujahid Rasul, M.D.; Philip A. Rich, M.D.; Bruce L. M. Tanenbaum, M.D.; Valle Vista Psychological Services; Richard G. Weiher, Ph.D.; and Alpine Counseling Associates failed to respond to the invitation to bid.

Commissioner Mouliot stated that he would like a procedure developed whereby some of the costs of these services could be recouped.

Following discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that RFP No. 1939-96 for Statutory Required Mental Health Examinations for Involuntary Civil Commitments for the District Courts, Family Division be awarded to Clark & Clark Ltd. and Richard Lewis, Ph.D. for a first year total amount of \$72,800.00. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement for a 12 month period with the County retaining the option to renew for four additional one-year renewals subject to negotiation; and that staff be directed to develop a protocol to bill clients for these services.

It was noted that the District Attorney's Office and the Risk Management Division have reviewed the Agreement; and that funding for the program is included in the District Courts FY 96/97 budget.

96-864 BILL NO. 1139 - ORDINANCE NO. 964 - DISSOLVING HORIZON HILLS GENERAL IMPROVEMENT DISTRICT

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 16, 1996, to consider the second reading and adoption of Bill No. 1139. Proof was made that due and legal notice had been given.

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 Shaw, which motion duly carried, Chairman Bradhurst ordered that Ordinance No. 964, Bill No.1139, entitled "AN ORDINANCE DISSOLVING THE HORIZON HILLS GENERAL IMPROVEMENT DISTRICT; PROVIDING FOR THE TRANSFER OF PROPERTY AND FUNDS UPON THE DISSOLUTION TO THE COUNTY; REPEALING ORDINANCE NO. 128 AND ORDINANCE NO. 742," be approved, adopted, and published in accordance with NRS 244.100.

96-865 BILL NO. 1140 - ORDINANCE NO. 965 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - HOME OCCUPATIONS

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 16, 1996, to consider the second reading and adoption of Bill No. 1140. Proof was made that due and legal notice had been given.

Dean Diederich reviewed background information and the Planning Commission's recommended changes to Article 308 - Home Occupations of the Washoe County Development Code. He advised that the recommendations are made to address changes that are happening in society as it relates to people who are working at home more frequently, and to also minimize or eliminate the impacts of a home business on the surrounding residential area. He noted that a review panel was formed consisting of persons who have active home occupation permits, the real estate community, EDAWN, etc. Mr. Diederich provided additional documentation regarding the subsection relating to advertising, advising that this issue continues to be an area of concern. He reviewed the language options relative to this subject considered by the Planning Commission and advised that the Development Code currently allows for a telephone listing in the Yellow Pages as long as the home address is not included; that the option recommended by the Planning Commission contains no reference to a Yellow Page telephone listing and would not provide for such; that the review panel did not provide a clear consensus of the best approach regarding this issue; that from a code enforcement standpoint there is a concern of how to maintain the visitors to the business and not violate the residential character of the neighborhood; and that it is his understanding that the Board has the flexibility to consider modifications or blending of language without returning the matter to the Planning Commission as they did explore a full range of language options. Mr. Diederich then reviewed the proposed changes regarding conformance requirements which require that all home businesses regulated by prior ordinance shall come into conformance with that section of the Development Code by January 1, 1998; and that Rusty Nash, Deputy District Attorney, has indicated that this requirement and timeframe follows proper legal procedures. He then recognized Cynthia Albright, advising that she performed the major portion of work on this issue.

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

Garth Elliot, owner of Anything Iron, stated that he wanted to clear up a testimonial problem at the Planning Commission last month, advising that the home occupation business owners' intent was that the requirements relative to telephone listings remain as currently adopted, which would allow for telephone listings in the Yellow Pages without a dwelling address; that he took a telephone poll this morning of the business owners that participated on the review panel which substantiated this intent; that the current language is in harmony with the City of Sparks and the City of Reno; that he has been in business for approximately 14 years and his business would die tomorrow if he could not have Yellow Page advertising; and that Yellow Page advertising with a telephone listing only would in no way draw attention to the dwelling.

Jeanne Johnson, County resident, advised that she was a member of the review panel and the ordinance was discussed at great length; and that the intent of the advertising was not to bring attention to an address located in a residential area, but it was felt that a telephone listing without an address was fine.

Kelvin Lau, home business owner, stated that the recommended change to the conformance requirements would eliminate the continuation of non-conforming home occupations that have been grandfathered in since the initial adoption of the Development Code; that the grandfathering principle has been a cornerstone of American jurisprudence and allows the private sector to plan and make investments without fear that a change in law will suddenly cause hardships and financial loss; that the current County Code supports grandfathering by recognizing nonconformance; but that this proposal creates a situation where home businesses are being singled out for exemption. He stated that there have been legal cases that overrode the grandfathering principal, noting that these were situations where the health and safety of society was overwhelmingly impacted. He advised that there have also been court decisions that support the grandfathering principle where it was found the property owners were being deprived of their civil rights and the use of their property without due compensation. Mr. Lau further stated that he does not believe a 12-month

period is enough time to recoup an investment of any significant nature.

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

Mr. Diederich provided further comments and responded to questions of the Board regarding storage of equipment, advertising, etc. Mike Harper, Director, Department of Development Review, provided additional information and answered questions of the Board. Mr. Deiderich then reviewed recommended language changes to subsection (d) relating to storage and discussed comments made relative to conforming and non-conforming businesses, advising that a one year time frame is typical and noting that the requirement would not go into effect until the first of the year. Commissioner Mouliot stated that he would not want this ordinance to adversely affect the mobile service industry, and Mr. Diederich reviewed the relative section of the Code, stating that he feels that issue is addressed. He advised that staff would track those type of home occupations and if the issue is not adequately addressed, the matter would be brought back to the Board.

Commissioner Mouliot further stated that he disagreed with eliminating the Yellow Page advertising because he does not believe a business could exist without that advertising.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Ordinance No. 1140, Bill No. 965, entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY AMENDING ARTICLE 308, HOME OCCUPATIONS, AND ARTICLE 902, DEFINITIONS, AND OTHER MATTERS PERTAINING THERETO," be approved, adopted, and published in accordance with NRS 244.100, as recommended with the exception that the subsection relating to advertising retain the current adopted language that has been in effect since May 26, 1993 that allows for telephone listings with no dwelling address.

96-866 ABANDONMENT CASE NO. AB4-6-96- MAURINE HILLERBY (APN 17-400-31, 32, 40 AND 42) - DEVELOPMENT REVIEW

9:30 a.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on August 15, 1996 and published in the Reno Gazette-Journal on August 16, 1996, to consider the recommendation of the Washoe County Planning Commission to approve Abandonment Case No. AB4-6-96 for Maurine Hillerby to abandon an existing 50-foot-wide access easement and an existing 25-foot-wide access easement on property located at 605 Chance Lane which includes portions of 4 parcels totaling 10.4 acres designated Low Density Suburban (LDS) in the South Valleys Area Plan and situated in a portion of Section 4, T17N, R20E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Michael Harper, Director, Department of Development Review, provided background information and responded to questions raised at yesterday's caucus meeting.

He advised that the easements are private and were created some years ago under various maps; that staff wanted to assure that the County did not lose the opportunity to have a full service road reestablished should subdivision occur; and that this represents an abandonment of the County's interest at this time, but insures that its interest is reduced from 50 feet to 36 feet, and does not completely eliminate it.

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

Mike Chapman, attorney representing the applicant, provided and reviewed an exhibit containing photographs, and various correspondence relating to this issue. He stated that the purpose of the application is to keep the land private and they are agreeing to rededicate the easements to the 36-foot width in case the applicant, and only the applicant, would want to parcel the property. He advised that Condition No. 5 has different language than that approved by the Planning Commission, and while the meaning is basically the same, they request that the condition as approved by the Planning Commission be adopted as well as the additional, more detailed language set forth in Exhibit I. He reviewed their proposed Condition No. 5 and advised that they do not believe there is any need for a permanent road service at this time; that they have agreed to provide a \$6,170 security deposit to ensure construction of the road surface when and if it becomes necessary, which estimate was done by CFA Engineering; and that Jack Holmes, the County Surveyor, has approved the condition.

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

Mr. Harper stated that he does not believe there is a problem with the requested Condition No. 5 as long as Mr. Chapman and the applicant understand that it does not exempt them from further improvements based upon further subdividing of the property, and that the Condition only applies to the current subdivided land as it is presently constituted. He added that the County is trying to protect the public's ability to use a road if future subdividing occurs, but given the present circumstances, the requested Condition makes sense.

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 Shaw, which motion duly carried, Chairman Bradhurst ordered that Abandonment Case No. AB4-6-96 for Maurine Hillerby be approved subject to the following conditions, to include the applicant's requested amendment to Condition No. 5, and with the understanding that Condition 5 only applies to the existing property and not any future subdivision or parcelization of the property:

1. Prior to recordation of the Resolution and 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 and shall be for the area of abandonment, the portion of the abandonment reverting to the property owner, and the required replacement easements.
2. The replacement easement for the abandonment of Chance Lane shall be 36 feet in width.
3. 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.
4. 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.
5. The access easement shall be improved with a surface that allows year round travel and incorporates drainage considerations as approved by the Washoe County Department of Public Works, Engineering Division. This surface is defined as a 16-foot wide gravel road comprised of 6 inch Type 2 aggregate base, and also includes necessary culverts. This surface need not be constructed until the time improvements are made to Assessor's Parcels Numbers 17-400-31, 32, or 40. The applicant will deposit \$6,170.00 in an interest bearing certificate of deposit or other account satisfactory to both the applicant and Washoe County as security to ensure construction of the surface when and if it becomes necessary. If the applicant later applies to revert said parcels to acreage, or the surface improvement otherwise becomes unnecessary, the principal and interest will be returned to her by Washoe County.
6. The access easement shall have a radius return at the directional change as approved by the Washoe County Department of Public Works, Engineering Division.

96-867 DISCUSSION - DISTRICT ATTORNEY RESEARCH OF RESPONSIBILITIES AND AUTHORITIES OF BOARD OF COUNTY COMMISSIONERS - PUBLIC ADMINISTRATOR

John MacIntyre, County Manager, advised that the Public Administrator items were continued from the August 13, 1996 meeting.

Madelyn Shipman, Legal Counsel, reviewed her July 22, 1996 memorandum to the Board setting forth the District Attorney's Office opinion regarding the authority of the Board of County Commissioners relative to the Public Administrator/Public Guardian. She advised that the County Commission clearly, by statute, has final authority over the budget of the Public Administrator's Office

and has specific authority under NRS 244.200 as to all officers of the County who handle money to require audits and review the auditing of those offices where money is handled; that the Board has specific authority under NRS 253.041 relating to Public Administrator/Public Guardian to establish regulations for the form of any reports made by the Public Administrator, review reports submitted to the Board by the Public Administrator, and investigate any complaint received by the Board against the Public Administrator; and that under that same statute, the Board may investigate any guardianship or estate for which the Public Administrator is serving as Guardian or Administrator. She further stated that, as an elected official, the Public Administrator has the authority to operate the internal management of the office in a manner deemed appropriate and the Board does not have the authority to direct any specific personal appearance on the part of the Public Administrator as, by statute, he can appear through his authorized deputies.

96-868 DISCUSSION - SECOND QUARTERLY STATUS REPORT, AUDIT ONE - SECOND QUARTERLY REVIEW, AUDIT TWO - PUBLIC ADMINISTRATOR

John Sherman, Manager's Office, stated that during the last formal discussion on the Second Quarterly Report, the Board requested that the Public Administrator provide more detailed information; and that the subsequent status reports functionally fulfill the requirements the Board placed on the reports. He advised that he has provided a memorandum dated August 12, 1996, pursuant to the Board's request, which outlines the implementation status of the audit recommendations for the Public Administrator's Office.

Upon inquiry, Legal Counsel Shipman advised that, with respect to the audit recommendations that have not been implemented, the District Attorney's Office would need to determine whether they represent policy or fiduciary matters.

Upon request of Chairman Bradhurst, Mr. Sherman advised that the Procedures Manuals of the Public Administrator and Public Guardian Offices were developed as a result of the Public Administrator's original request to the County Manager's Office for an internal audit investigation, in order to provide the tools, techniques, and procedures to assist the Public Administrator in the performance of his duties.

96-869 REQUEST FOR RELIEF - DISCUSSION OF AUDITS ONE AND TWO AND PUBLIC ADMINISTRATOR'S OFFICE - REQUEST TO UNFOUNDED ANONYMOUS POISON PEN LETTER

Phil Moore, Public Administrator, stated that he has no problem with Ms. Shipman's legal opinion regarding the Board's authority over his office as he is familiar with the statutes, fully understands them, and has always tried to comply with them; and that he has previously acknowledged this to the Board and has no doubt about those areas of authority. He stated that he has resisted the adaptation of some of the audit procedures that have the effect of imposing office policy, and some have not been implemented because he does not have adequate staff. Mr. Moore commented that the nature of the business induces complaints and many complaints have been made in the area of estates because they are so badly backlogged, a condition that existed when he took office, and continues to exist because he does not have enough staff; that he is only able to keep up with 50% of the current case load; and that he has a good staff that works hard, puts in a lot of overtime and has a good reputation, and he does not know of any formal complaint.

Mr. Moore then discussed the anonymous complaint advising that in a previous meeting Legal Counsel Shipman, when asked the question, commented that District Attorney Gammick would throw an anonymous complaint in the trash; and that he wishes the Commission would have done the same because the letter has caused him nothing but grief.

Laura Duffrin, Estate Probate Manager, discussed the recommendation relative to using the date of death for the appraised value and the variables that could occur that would make implementation of that policy inappropriate. She stated that flexibility in this area is very important and she believes that is why the statute provides that flexibility.

Mr. Moore further commented that his office utilizes the policy manuals and standard office procedures provided by Barnard, Vogler; that he is doing the best he can with the staff that he has, noting that he has never had sufficient staff, but very much appreciates the additional staff he has been able to get. He requested that the Commission relieve him from the redundant reporting on Audits One and Two as it has paralyzed his office to provide the information requested by the Board; that he does not feel he needs to come back to the Board every quarter; that he knows his rights and obligations and will adhere to those; that he

is not willing to adopt a policy that has not been beneficial to his office just for consistency or an accounting procedure; and that he complies with Nevada Revised Statutes. He further requested that the Board unfind the anonymous poison pen letter which was never substantiated.

Chairman Bradhurst commented that by law, the Board must look into complaints. Mr. Moore stated that he understands that, if the Board designates it a complaint. Mr. Moore then responded to questions of the Board.

Chairman Bradhurst stated that his suggestion would be that the memorandum prepared by Mr. Sherman setting forth the audit recommendations that have not been implemented be reviewed with the Public Administrator's Office and also forwarded to the District Attorney's Office for their determination as to whether they represent a legal issue or a policy issue, which would be in the domain of the Public Administrator.

Later in the meeting, Mr. Moore requested the Board's further consideration of his request to unfind the anonymous poison pen letter.

Legal Counsel Shipman commented that the Board did receive an anonymous letter and did find that it constituted a complaint and it was referred for investigation and review. Margaret Crowley, Deputy District Attorney, advised that the letter has been dealt with and none of those allegations were substantiated; that the Board has met its statutory obligation to investigate a complaint; and that there is no further procedure to unfind a complaint. Chairman Bradhurst commented that the anonymous complaint was investigated pursuant to the Board's obligation and was found to be without substance, as stated by Ms. Crowley. He requested that Ms. Crowley send a letter in response to the Board's request to look into the anonymous complaint letter and forward a copy to Mr. Moore in order to bring closure to this matter. Legal Counsel Shipman commented that the facts of the investigation of the complaint led to the finding that there was no evidence to prove the allegations were correct.

96-870 ESTABLISHING REGULATIONS FOR THE FORM OF REPORTS AND STAFF DIRECTION - PUBLIC ADMINISTRATOR

John MacIntyre, County Manager, advised that, pursuant to Board direction, he prepared a memorandum setting forth the comments and suggestions he made at the August 12, 1996 caucus meeting. He reviewed his memorandum containing comments relative to the Board's authority and responsibility, the Public Administrator's allegations, internal audit protocols, and recommendations with regard to moving forward in a positive and constructive direction. Mr. MacIntyre noted that Mr. Moore has fared as well or better than the vast majority of County Departments in terms of budget requests and has been able to obtain additional staff. He also noted that Margaret Crowley, Deputy District Attorney, has submitted a memorandum explaining their response to Mr. Moore's request and concerns regarding the former Public Administrator, and reasons why they did not pursue those concerns and requests further.

Chairman Bradhurst stated that he appreciates Mr. Moore's efforts in the past to visit with the Board; that an issue that has concerned some of the Board members is the August 2, 1996 memorandum from Mr. Moore to the Board containing allegations relative to the audit, Mr. Sherman, former Public Administrator Don Cavallo, the District Attorney's Office, etc.; and that he requested the various parties to respond to those allegations in writing, which has been done. He requested that Mr. Moore review those responses and if he still feels there is something amiss, he can discuss those issues with the Board members. He stated that he is pleased with the County Manager's recommendations.

Commissioner Sims stated that he would request that staff review the possibility of separating the Public Guardian from the Public Administrator responsibilities to see if that would address some of the staffing problems and ongoing disputes and concerns that have come out of this whole issue. Chairman Bradhurst stated that he has talked with Mr. Moore regarding this matter and has requested that Howard Reynolds, Assistant County Manager, investigate the issue and report back to the Board sometime in the future; and that he wanted to assure Mr. Moore that the Board has not requested a separation of the Public Administrator and Public Guardian, but it was felt to be good policy for the County to look at this issue since the law is clear in terms of the County's responsibilities in that area.

Following further discussion, upon recommendation of the County Manager, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the following actions be taken:

1. That the Board exercise it's oversight responsibility pursuant to State Law.
2. That the Public Administrator's budgetary requests be referred to the Finance Division for review and recommendations, and that this be returned to the Board for report and action.
3. That the development of performance measures for the Public Administrator's Office be referred to staff, which would relate to the issue of reporting currently in State Law and would move the discussion from talking about audit recommendations to the development of performance reporting.

It was further ordered:

1. That the status report dated August 12, 1996 from Mr. Sherman be forwarded to the District Attorney's Office for review in terms of legal compliance versus policy and that their findings be reported back to the Board.
2. That staff be directed to provide a recommendation to the Board as to whether or not Mr. Moore should be required to submit additional progress reports.
3. That staff review the pros and cons of separating the Public Administrator and Public Guardian functions.

96-871 PROCLAMATION - "SMART COMMUTE OPTIONS DAY"

John MacIntyre, County Manager, advised that a question has been raised about whether to replace the word "occupancy" with the word "occupant" in the first line of the Proclamation.

Karen Simmons, Smart Commute Options Coordinator, Regional Transportation Commission, advised that "Single occupancy vehicles" is national standard wording, but she sees no problem with replacing "occupancy" with "occupant."

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Proclamation be adopted:

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

WHEREAS, Single occupant vehicles (SOVs) emit significant amounts of pollution, contribute to global warming, destruction of the ozone layer, and require fossil fuels to operate, thus being an environmentally unfriendly method of transportation; and

WHEREAS, Dependency on the SOV leads to increased traffic congestion and increased parking infrastructure costs, two major problems in our metropolitan area; and

WHEREAS, Alternative methods of commuting which are promoted through the Smart Commute OPTIONS employee trip reduction program, such as riding the bus, bicycling, carpooling, walking, telecommuting, and working compressed work weeks are a practical, healthful, and pleasant way to commute; now, therefore, be it

PROCLAIMED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That September 4, 1996 be declared as "Smart Commute OPTIONS Day" and calls upon all citizens to recognize alternative methods of commuting as beneficial to our economic and physical health, the quality of life within our community, and our ecosystem.

96-872 ACCEPTANCE OF CASH DONATION - HANK BEBOUT - ANIMAL CONTROL

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the \$2 donation from HankBebout, Sparks resident, to Animal Control be accepted with gratitude.

96-873 APPLICATION FOR FEDERAL ASSISTANCE - 1996 BURTON/SANTINI GRANT FUNDING - SKI WAY WATER QUALITY IMPROVEMENT PROJECT - ENGINEERING

Upon recommendation of Kimble Corbridge, Engineering Division, through David Roundtree, Acting Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Application for Federal Assistance for 1996 Burton/Santini Grant funding for the Ski Way Water Quality Improvement Project be approved and Chairman Bradhurst be authorized to execute.

96-874 TRANSFER OF APPROPRIATION AUTHORITY - PUBLIC WORKS CONSTRUCTION FUND TO GENERAL FUND - ROAD MAINTENANCE - FINANCE

Upon recommendation of Jerry McKnight, Finance Division, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following transfer of appropriation authority from the Public Works Construction Fund for road maintenance to the General Fund Public Works Department for road maintenance be acknowledged:

DECREASE

Description	Account	Amount
Public Works Const. Fund	092-9205-7880	\$2,389,000.00

INCREASE

Description	Account	Amount
General Fund Incline Road Overlay	001-16042-7880	\$ 511,000.00
General Fund Reno Road Overlay	001-16043-7880	\$1,878,000.00

TRANSFERS

Transfer to General Fund	092-9201-8101	\$2,389,000.00
Transfer from Public Works Const.	001-16042-6992	\$ 511,000.00
Transfer from Public Works Const.	001-16043-6992	\$1,878,000.00

96-875 NEW CLASSIFICATION - VIDEO PRODUCTION COORDINATOR - SHERIFF'S DEPARTMENT

Upon recommendation of the Personnel Committee and the Personnel Division, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following new classification in the Sheriff's Department be approved:

Video Production Coordinator code 0172 grade W195 (\$31,033.60 - \$41,163.20)

96-876 WATER RIGHTS DEED - GWENDOLYN C. DIXON - HAWCO INVESTMENT AND DEVELOPMENT COMPANY, INC. - FUTURE DEVELOPMENT

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 33.02 acre-feet of water rights from a portion of Permit 12791, Certificate 4111, between Gwendolyn C. Dixon, trustee of the Gwendolyn C. Dixon Trust dated March 17, 1994, as Grantor, and Washoe County, as Grantee, be approved and Chairman Bradhurst be authorized to execute. It was further ordered that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

96-877 WATER RIGHTS DEED - SAM S. JAKSICK, JR. - HAWCO INVESTMENT AND DEVELOPMENT COMPANY, INC. - FUTURE DEVELOPMENT

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 34.0

acre-feet of water rights from apportion of Permit 12791, Certificate 4111 between Sam S. Jaksick, Jr. as Grantor, and Washoe County as Grantee, be approved and Chairman Bradhurst be authorized to execute. It was further ordered that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

96-878 ACCEPTANCE OF DONATION - 1996 FORD PICKUP - INMATE COMMISSARY FUND - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the donation of a 1996 Ford F-250 4 x 4 pickup purchased via proceeds from the inmate commissary fund be accepted.

96-879 PURCHASE - JAIL INMATE CLASSIFICATION SOFTWARE SYSTEM - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the purchase of a Jail Inmate Classification Software System for use in the Washoe County Jail in the amount of \$35,625 be approved.

It was noted that funding for this item in the amount of \$32,000 was approved by the Board during the 1996-97 budget process, and this purchase represents an increase of \$3,625.

96-880 TRANSFER OF APPROPRIATION AUTHORITY - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the transfer of appropriation authority in the amount of \$64,732 from the Special Investigations key org (15062) to the Crime Laboratory key org (15065), and \$41,919 from Background Investigations (15042) to Administration (1502) be authorized as follows:

FROM SPECIAL INV. (15062)			TO CRIME LAB (15065)		
ACCOUNT	ACCOUNT NAME	AMOUNT	ACCOUNT	ACCOUNT NAME	AMOUNT
7001	Base Salaries	\$42,344.00	7001	Base Salaries	\$42,344.00
7004	Incentive/Longevity	\$ 2,300.00	7004	Incentive/Longevity	\$ 2,300.00
70186	Detective Pay	\$ 2,126.00	70186	Detective Pay	\$ 2,126.00
7011	Uniform Allowance	\$ 560.00	7011	Uniform Allowance	\$ 560.00
7042	Group Insurance	\$ 2,686.00	7042	Group Insurance	\$ 2,686.00
7043	Group Insur - Depen	\$ 2,088.00	7043	Group Insur - Depen	\$ 2,088.00
7048	Retirement	\$12,628.00	7048	Retirement	\$12,628.00
	TOTAL	\$64,732.00		TOTAL	\$64,732.00
FROM BACKGROUNDS (15042)			TO ADMINISTRATION (1502)		
7001	Base Salaries	\$31,889.00	7001	Base Salaries	\$31,889.00
7004	Incentive/Longevity	\$ 750.00	7004	Incentive/Longevity	\$ 750.00
7042	Group Insurance	\$ 2,686.00	7042	Group Insurance	\$ 2,686.00
7048	Retirement	\$ 6,120.00	7048	Retirement	\$ 6,120.00
7050	Medicare	\$ 474.00	7050	Medicare	\$ 474.00
	TOTAL	\$41,919.00		TOTAL	\$41,919.00

96-881 TRANSFER OF APPROPRIATIONS FROM CONTINGENCY - ADDITION OF THREE PERMANENT FULL-TIME CLERK I'S - SHERIFF

Gary Goelitz, Finance Division, responded to questions of the Board regarding financial and other issues relative to this item. He advised that the requested positions will be needed for approximately two years until the backlog in the Records Section is resolved and once the Computer-Aided Dispatch System is acquired and installed by the City of Reno, which will enable the electronic transfer of the booking documents into the document imaging system. He explained that the backlog has been created due to the need to manually scan the booking jackets generated by the Jail Management Information System into the new document imaging system.

Deborah Williams, Records Manager, Sheriff's Office, advised that discussions with the City of Reno have indicated that two years should be more than enough time to resolve the backlog situation.

Following discussion, upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Mouliot, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the transfer of \$47,500 from Contingency to the Sheriff's Department be approved as follows:

TRANSFER FROM:			TRANSFER TO:		
Account	Description	Amount	Account	Description	Amount
001-1890-7328	Contingency	\$47,500.00	001-15046-7001	Base Salaries	\$35,800.00
			001-15046-7042	Group Insurance	2,800.00
			001-15046-7046	Worker's Compensation	1,800.00
			001-15046-7048	Retirement	6,700.00
			001-15046-7050	Medicare	400.00
	TOTAL	\$47,500.00		TOTAL	\$47,500.00

* * * * *

It was further ordered that the addition of three permanent full-time Clerk I's to the Records Section of the Sheriff's Department with a two-year sunset date of June 30, 1998 be approved.

96-882 PURCHASE - UNITEL BODY VOICE RECEIVER, TRANSMITTER, AND SCRAMBLE CONVERTER - CONSOLIDATED NARCOTICS UNIT - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the purchase of a Unitel Body Voice Receiver, Transmitter, and Scramble Converter in the amount of \$6,240 to ensure officer safety and enhance efficiency of undercover investigations conducted by the Consolidated Narcotics Unit be authorized.

It was noted that there will be no cost to the County for this purchase as the expenditure will be financed through the State Asset Forfeiture account of the Sheriff's Office.

96-883 AGREEMENT - 1996 RENO AIR RACES - SECURITY SERVICES - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Agreement between the Sheriff's Office and the 1996 Reno Air Races for the use of off duty personnel for the purpose of providing security services and traffic control for the 1996 National Championship Air Races be approved and Chairman Bradhurst be authorized to execute.

96-884 BILL NO. 1141 - AMENDING WCC CHAPTER 5 - REVISING OVERTIME PROVISIONS FOR CERTAIN CLASSIFICATIONS

Bill No. 1141 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING OVERTIME PROVISIONS FOR CERTAIN CLASSIFICATIONS;

AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Shaw, the title read to the Board, and legal notice for final action of adoption directed.

96-885 AGREEMENT - GREAT RENO BALLOON RACE - RANCHO SAN RAFAEL PARK

Upon recommendation of Gene Sullivan, Director, Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the agreement between Washoe County and the Great Reno Balloon Race, Inc. to be held at Rancho San Rafael Park on September 6, 7, and 8, 1996 be approved and Chairman Bradhurst be authorized to execute.

96-886 AGREEMENT - RENO-SPARKS CONVENTION AND VISITORS AUTHORITY AND HIGH SIERRA COMMUNICATIONS, INC. - COMMUNICATION EQUIPMENT AT RENO LIVESTOCK EVENTS CENTER

Pursuant to the request of Bart Schouweiler, Attorney at Law and counsel to the Reno-Sparks Convention/Visitors Authority, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that approval be granted for the Reno-Sparks Convention and Visitors Authority to enter into an agreement with High Sierra Communications, Inc. concerning placement of communication equipment at the Reno Livestock Events Center.

96-887 AGREEMENT - 1996/97 PAVING OF SELECTED UNPAVED STREETS - ENGINEERING

Upon recommendation of Greg Belancio, Engineering Division, through David Roundtree, Acting 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 Harding Lawson Associates for the 1996/97 paving of selected unpaved streets in Washoe County in the estimated amount of \$28,368 be approved and Chairman Bradhurst be authorized to execute.

96-888 REPORT ON SALARY METHODOLOGY - RENO AND SPARKS JUSTICES

John MacIntyre, County Manager, advised that several questions were asked at yesterday's caucus regarding this item and that Jerry McKnight, Finance Division, and Joanne Ray, Personnel Division, have provided additional written documentation in response to those questions.

Ms. Ray advised that she was requested by the Justices to review the salaries which has been done in the form of a report to the Board by way of giving some history in terms of how those salaries have been set; and that historically, the Justices have been receiving the cost of living adjustments that have been granted to the management and non-represented staff; that in 1990 the Reno Justices presented a request for a salary adjustment and at that time there was discussion about tying the salaries to the District Court Judges, and it was recognized that this seemed to be a trend with some of the other Counties; and that a survey of Clark County and California has shown that they tie Justices salaries to the legislatively set salaries of District/Superior Court Judges.

Judge Fidel Salcedo, Reno Justice Court, stated that the Justices have supported the policy of being tied to the District Court for a number of years. He advised that he has provided the Board with information relative to workload averages, pursuant to discussion at yesterday's caucus, and stated that this is a way of determining the number of judges needed but is not quite the issue when looking at what is a reasonable salary for the position; that the survey indicates that other communities have found that tying the Justices salaries to the District Court salaries is the best way to handle this matter; and that they are not comfortable coming before the Commission all the time requesting an increase, and believe being tied to the District Court is an appropriate and equitable procedure. He then responded to questions of the Board.

Ms. Ray provided additional information and responded to further questions of the Board, advising that the Justices have kept up through cost of living adjustments but feel they are falling behind, especially with the legislative increase to \$100,000 for the District Court Judges that becomes effective in January, 1997; and that it is only by circumstance their salaries are currently at 90% of District Court.

Chairman Bradhurst expressed concern about tying the Justices to the District Court as a good lobbyist might succeed in raising salaries significantly, and the legislature is using State money; and that the Board is dealing with County taxpayer money, which is a much smaller budget. He noted that when the last legislative session called for 12 departments for District Court, the Board commissioned an independent evaluation of the workload that helped resolve that particular issue; and that the base salary may need to be looked at, but he believes if the base salary is fair, the COLA would place the Justices within the 90% range.

A discussion commenced relative to the recent pay increases for the outlying Justices and Chairman Bradhurst noted that action was based on a workload study. He commented that the company that did the work relating to the District Courts efforts to increase to 12 departments might be able to look at the workload issue for the Justice Courts in Reno and Sparks. Commissioner Shaw expressed concern as to the precedent that might be set for future Boards if the salaries are tied to the District Court.

Commissioner Sims commented that he is struggling with the issue of attracting high quality people for the Justice positions. Chairman Bradhurst stated that he feels there are highly qualified Justices throughout the County so feels the County is doing something right. Commissioner Bond stated that she would like to have a weighted workload study done which would give her a greater comfort level in making a decision regarding this matter. Chairman Bradhurst suggested that staff should brush off the report done for the District Court, conduct a frank and candid analysis, and provide recommendations for how to analyze the work done by the Reno and Sparks Justices to give the Board a better understanding as to what the salaries should be. He expressed concern that comparisons have include California and Clark County and never go out to Utah or Arizona.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that staff be directed to do a weighted load study using comparisons not only in California and Las Vegas, but other states and areas of similar size and population, and present their analysis to the Board for further review.

96-889 REPORT - TEMPORARY CLERICAL SERVICES - PERSONNEL

Joanne Ray, Personnel Division, reviewed the report on Temporary Clerical Services as outlined in the agenda material. Brian Mirch, Finance Division, provided additional information.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of the report on temporary clerical services be acknowledged.

96-890 RESOLUTION - AUTHORIZING TRANSFER OF WASHOE COUNTY'S PRIVATE ACTIVITY BOND VOLUME CAP TO MULTI-FAMILY HOUSING PROJECT

John MacIntyre, County Manager, reviewed background information regarding this item.

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute:

A RESOLUTION AUTHORIZING THE TRANSFER OF THE PRIVATE ACTIVITY BOND VOLUME CAP OF WASHOE COUNTY, NEVADA; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, Northwest Partners (the "Developer") has requested that the County transfer to the Housing Division (the "Division") of the Department of Business and Industry (the "Department") \$3,971,642 of the county's share of Private Activity Bond volume cap to the Division for the purpose of allowing the Division to finance the Besso Project affordable multifamily project located in Northwest Reno located northwest of West McCarran and I-80 (the "Project").

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

Section 1. \$3,971,642 of the County's Private Activity Bond volume cap is hereby transferred to the Director (the "Director") of the Department with the understanding that the Director will transfer that \$3,971,642 in volume cap to the Division for use by the Division in financing the Project. If the Division is unable to use the amount transferred for the Project by July 1, 1998, the

Division is authorized and requested to use the amount transferred for another multifamily housing project in the County approved by the Board of County Commissioners.

Section 2. Nothing herein constitutes a County endorsement of the Project or a finding of the County that the Project is feasible or is in compliance with any laws or regulations, including land use, building or other regulations of the County or any other governmental entity. It is understood that the Project will not be financed using the volume cap transferred hereby until it has received all applicable zoning and land use permits.

Section 3. All action heretofore taken, directed towards any of the foregoing by any of the County's officers and employees be and the same is hereby confirmed.

Section 4. This Resolution shall be in full force and effect on its passage and approval.

Section 5. The County Clerk is hereby authorized and directed to certify a copy of this Resolution to the Director, and to the Secretary of the State Board of Finance.

96-891 APPOINTMENT - CHILD PROTECTION CITIZEN TASK FORCE

Upon recommendation of John Sherman, Management Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Lisa C. Hill be appointed to the Washoe County Child Protection Citizen Task Force.

It was noted that Ms. Hill will replace Harry Hasser on the Task Force.

96-892 CREATION - CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT - PCE CONTAMINATION CLEANUP - PLANNING

Leonard Crowe, Acting Flood Control Manager, reviewed a staff report concerning recommendations to establish a Central Truckee Meadows Remediation District for the purpose of cleaning up PCE (an industrial solvent) in the Central Truckee Meadows ground water aquifer and to establish a special benefit assessment on the properties within the Central Truckee Meadows Remediation District based upon the assessed value of the properties that generate planning, design, and construction funds in the amount of \$6.6 million. Mr. Crowe gave a viewfoil presentation and answered questions of the Board concerning the role of groundwater resources in support of demand in the Central Truckee Meadows (CTM) groundwater management concepts, groundwater replenishment and remediation, CTM remediation district and options for implementation. He further explained that five of Sierra's municipal wells are contaminated which are the Morrill, High, Kietzke, Mill and Corbett Street wells; that they are critical wells that provide system pressure and emergency supplies when surface water treatment facilities are out of service; and that they provide for drought resources as well.

Commissioner Sims inquired as to who would benefit from the formation of a remediation district and Mr. Crowe responded that the entire community would benefit by having the resource available.

Commissioner Sims then referred to the applicable statute concerning the formation of a remediation district stating that the statute is very specific as to how the district shall be created and stated that it would appear that all of Sierra Pacific Power Company's ratepayers would benefit from the clean-up effort.

Mr. Crowe stated that they do not have a full value on what the costs will be to clean up the PCE; and that this is the first step in getting resources to complete the plan and move ahead with Sierra's wells and then to determine what the benefit to the community would be at that time.

Commissioner Bond expressed concerns regarding the intermingling of water and PCE levels.

John Enloe, Sierra Pacific Power Company, responded to Commissioner Bond's concern stating that the system is integrated; that PCE

was first detected in 1987; and that turbidity events occurring in 1992 and 1995 caused Sierra to activate some of their contaminated wells.

Craig Wesner, Public Service Commission, reviewed background information concerning their involvement with this matter, explaining that in 1995, Sierra requested a permit from the PSC to install PCE treatment facilities on the Morrill and High wells to put them back into service; that the PSC approved the request with the stipulation that Sierra make a good faith effort to obtain reimbursement for expenses related to the removal of PCE; and that it is possible that Sierra could pass this along to taxpayers.

Commissioner Mouliot inquired why the Board is being asked to tax only a particular area of the Truckee Meadows if the remediation district would benefit the entire community stating that single-family residents are not responsible for the contamination in Sierra's wells.

Chairman Bradhurst stated that he is very concerned about special legislation enacted in 1995 regarding procedures for the creation of a remediation district which can direct the District Health Officer or the Administrator of the Nevada Division of Environmental Protection to remediate the problem. He stated that he is concerned whether this law singles out Washoe County, whether the law is legal pursuant to the Constitution, whether they would be complying with the law based upon the contents which states that anyone who benefits or any area that should benefit directly or indirectly from the protection of the quality of water would also be included in the assessment.

Commissioner Sims requested the District Attorney's Office to investigate legal issues to interpret the statute regarding the formation of remediation districts as he is unprepared to establish a remediation district based on staff's recommendation; that he does not believe it is in compliance with the law and a determination needs to be made whether or not Sierra should go to the Public Service Commission regarding this issue; and that his concern is why the Board is being requested to consider the formation of a district once again if it is the consensus that this is a regional issue.

Following discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the District Attorney's Office be directed to move forward with an ordinance concerning the formation of a remediation district; and that they investigate the legality and interpretation of the NRS statute concerning the formation of remediation districts.

Commissioner Mouliot stated that he would vote against an assessment area as displayed on the map; that by Sierra's own admission this is reserved for the entire Truckee Meadows and that he questions why a tax district should be created for a very few individuals; that he would support the motion as long as this is not the district depicted on the map since the area to benefit would be the entire Truckee Meadows and those people who receive water from Sierra Pacific Power Company; and that it is his contention that the entire Truckee Meadows is the benefactor of these wells when they are utilized for emergency purposes and drought resources.

Commissioner Sims then moved to amend his motion to direct the District Attorney's Office to review the legality and interpretation of this particular statute, to address concerns regarding special legislation, interpretation of benefit and indirect benefit; and that a determination be made after this information is received as to whether or not a remediation district would be required and if it would be fair, equitable and legal.

Commissioner Mouliot seconded the amended motion with the caveat that public notice be provided to all individuals that may be affected by the formation of a remediation district. The amended motion carried unanimously.

96-893 UPDATE REPORT - REGIONAL PLANNING COMMISSION ACTIVITIES - PLANNING

Steve Walker, Water Planner, Department of Comprehensive Planning, reviewed a staff report dated August 16, 1996 regarding Regional Water Planning Commission activities, a draft of Technical Memorandum #9 distributed to the Board concerning an evaluation of alternatives, and answered questions of the Board.

John McQuay, Washoe County's representative to the Regional Water Planning Commission, advised that meetings are being held once per week; that Tech Memo #9 generated some controversy relating to the way certain cost estimates were determined; that he believes the Board is comfortable that the components of the Tech Memo are valid, accurate and good for the next three to five years; that they have not eliminated any of the projects; that in reviewing the information, the short-term supply for the Truckee Meadows currently continues to be Sierra Pacific with a focus on surface water; that the principal component of mid and long-range planning will be diversification of the supply so that they have other sources of supply available for emergency and drought situations aside from the Truckee River; that on the conservation side, he believes that the conservation component will need additional enhancement and some strengthening; and that the overall consensus on the Water Planning Commission is that the conservation component is the most important feature in first go-round.

Jamel Demir, Carollo Engineers, gave a viewfoil presentation concerning the Verdi/Lawton Interceptor and answered questions of the Board.

John Collins, Chief Sanitary Engineer, stated that staff is requesting that an implementation plan be prepared for the B-4 alternative (New Pump Station/Extend Interceptor along the Railroad Alignment); that two main issues concerning an implementation plan with the Lawton/Verdi Interceptor are (1) securing interim capacity at the Reno/Sparks Treatment Plant so that they can implement that alternative before an extension is added and (2) a financing mechanism; that they are looking at approximately \$9 million on the B-4 alternative; that they have had discussions with the two major participants, Gold Ranch and Boomtown, who are in support of a project moving forward; and that staff would recommend that they prepare and return to the Board with a conceptual implementation plan that will address the two issues.

Legal Counsel Madelyn Shipman advised that staff's recommendation for an implementation plan could not be considered today as it was not on the Agenda and would have to come before the Board at a later date.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that an update report on activities of the Regional Water Planning Commission and report from Carollo Engineer concerning the Verdi/Lawton Wastewater Conveyance Systems, be accepted.

96-894 NEVADA ASSOCIATION OF COUNTIES - RESOLUTIONS REQUESTING LEGISLATION ENHANCING FEDERAL STATE AND/OR COUNTY INVOLVEMENT WITH PUBLIC LAND ISSUES, INCLUDING PLANNING AND MANAGEMENT

Mary Henderson, Public Affairs Director, stated that this issue came before the National Association of Counties (NACO) Board of Director's Executive meeting held in July from Eureka County; that the Eureka County Commissioners have proposed two resolutions dealing with the issue of public lands; that they have requested that NACO approve the resolutions which would then be forwarded to the Legislature and Congress; and that they requested individual County Commissions to review them and consider passage or modification prior to NACO taking a final vote.

Mike Baughman, representing the Eureka County Commissioners, read and reviewed the two public lands resolutions and answered questions of the Board.

Chairman Bradhurst stated that Washoe County has been very progressive working in a cooperative way with Federal land managers; that he does not believe that Washoe County should move forward to support the resolutions as they are drafted, since as federal lands have helped them considerably in enhancing the quality of life in the Truckee Meadows; that all of the arrangements made with the Federal land managers have been positive for the quality of life in this community; that perhaps housekeeping items contained in the resolutions could be included in a draft letter to NACO; and that the Board needs some input from the District Attorney's Office concerning this issue.

John Hester, Director, Department of Comprehensive Planning, stated that they have been conducting surveys on open space; that the public has always indicated that open space is very important; that they have been working cooperatively with BLM and the Forest Service and that they are involved in a very significant cooperative planning effort and extensive data sharing through the Internet using the Geographic Information System.

* * * * *

Chairman Bradhurst left the meeting and Vice Chairman Sims assumed the gavel.

* * * * *

Vice Chairman Sims stated that he was not prepared to support the resolution as it contains language that may or may not be accurate.

County Manager John MacIntyre stated that Chairman Bradhurst, prior to his departure from the meeting, indicated that he would suggest drafting correspondence to NACO and bringing it back to the Board at a subsequent meeting for finalization concerning this matter.

96-895 ADOPTION - WASHOE COUNTY'S 1997 LEGISLATIVE PACKAGE

Mary Henderson, Public Affairs Director, reviewed Washoe County's 1997 Legislative Package and answered questions of the Board advising that the deadline for submittal is August 31, 1996; that additionally, Judge Jordan has requested an additional Family Court Judge; and that the Regional Water Planning Commission has requested that the meter retrofit program be accelerated.

Following discussion, Commissioner Bond then moved that the 1997 Legislative Package for Washoe County be adopted with the exception of a legislative request by Assistant Public Defender John Morrow referred to in correspondence from District Attorney Richard Gammick dated August 26, 1996 [placed on file with the Clerk] to modify NRS 200.160 and reinstate the "fleeing felon" rule, and the motion died for a lack of a second.

Vice Chairman Sims stated that the Board would support a motion that would move forward on the proposed legislative package including the request for an additional Family Court Judge and acceleration of the Meter Retrofit Program, with the caveat that water related legislation come back to the Board and the Water Planning Commission; that direction be given to staff to further investigate the formation of remediation districts and unilateral authority of certain non-elected officials to mandate certain action on the part of the County. Commissioner Shaw then moved for approval and Commissioner Bond seconded the motion. Upon call for the vote, the motion passed unanimously.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 3:45 p.m.

STEPHEN T. BRADHURST, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk