

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. MAY 23, 1995

PRESENT:

Jim Shaw, Chairman
Steve Bradhurst, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Grant Sims, 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. 9th 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 Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the agenda for the May 23, 1995 meeting be approved with the following amendments: Delete -- Tentative and Final Budget Adoption for the following: Item 10B, Regional Water Planning and Advisory Board; Item 10C, Sierra Forest Fire Protection District; Item 10D, Washoe County.

MINUTES

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of April 25, 1995, be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

95-402 PROCLAMATION - MAY 25, 1995 - MISSING CHILDREN'S DAY

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County:

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

WHEREAS, Every 40 seconds a child becomes missing or abducted in the United States, representing over one million children who disappear each year, and the plight of these children is of vital concern to our community; and

WHEREAS, Every missing child is an endangered child, vulnerable to physical, psychological and emotional abuse and exploitation, and the successful prevention, location, recovery and reunification of missing children and their families relies on public awareness and community involvement; and

WHEREAS, The Washoe County Missing and Exploited Children Comprehensive Action Program (WC M/CAP) team was established on May 22, 1992, to serve as a community-based multi-disciplinary, interagency, case and services management system to address the needs of Washoe County's missing, exploited and abused children and their families; and

WHEREAS, The agencies participating on the Washoe County M/CAP team include Children's Cabinet, Child Assault Prevention, Court Appointed Special Advocates, Reno Police Department, Mental Health Professionals, Sparks Police Department, Washoe County Child Sexual Abuse Investigation Team, Washoe County District Attorney's Office, Washoe County Juvenile and District Courts, Washoe County Juvenile Services, Washoe County School District, Washoe County Social Services, and Washoe County Sheriff's Office; and

WHEREAS, The Washoe County M/CAP team has established an annual Child Identification Event to provide all children and all families of our community with a comprehensive identification packet to assist and inform if a child is missing in Washoe County; and

WHEREAS, To coincide with National Missing Children's Day on May 25th of each year, the Washoe County M/CAP team aims to generate public awareness, support and active community involvement in reducing the number of missing children in our community; now, therefore, be it

PROCLAIMED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY NEVADA, That May 25, 1995, be designated Missing Children's Day.

95-403 KENNEL PERMIT APPEAL - M.E. BURCKHARD

D.D. Monroe, Animal Control, reviewed background information and answered questions of the Board concerning the application of Mary Ellen Burckhard for a Kennel Permit to keep 5 dogs at 3865 Lakeshore Drive, Carson City, Washoe County, Nevada. She reviewed complaints received concerning dogs running at large and the number of dogs at this location. Ms. Monroe explained that plans for a temporary kennel submitted by the applicant are acceptable Animal Control; and that Ms. Burckhard is intending on constructing a permanent kennel in the near future.

Mary Ellen Burckhard, applicant, explained that she had been unsuccessful in her attempt to contact Stephen Ting, a neighboring resident who had expressed concern regarding the issuance of the kennel permit; that she had spoken with Gayle Hunt, another neighbor who had originally protested the kennel permit application; and that she no longer has a problem with the issuance of the permit after learning that the dogs will be confined. She further explained that she is caretaking two of the dogs, but when they are returned to their original owners she will only have three dogs of her own on the property.

Following discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that a Kennel Permit Application for Mary Ellen Burckhard to keep 5 dogs at 3865 Lakeshore Drive, Carson City, Washoe County, Nevada, be approved subject to conditions imposed by Animal Control that a kennel facility be constructed within 60 days.

95-404 ORDINANCE NO. 931, BILL NO. 1106 - AMENDED UNIFORM SCHEDULE OF CHARGES - PORTION OF DOUBLE DIAMOND SEWER CONNECTION FEES

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 12, 1995, to consider second reading and adoption of Bill No. 1106. Proof was made that due and legal notice of hearing has been given.

The Chairman opened the public hearing and called on those wishing to speak for or against the adoption of said ordinance. There being no response, the hearing was closed.

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Ordinance No. 931, Bill No. 1106, entitled, "AN ORDINANCE AMENDING THE UNIFORM SCHEDULE OF CHARGES FOR SEWER CONNECTION FEES WITHIN THE AREA OF WASHOE COUNTY FOR LIMITED PORTIONS OF THE DOUBLE DIAMOND RANCH CONNECTING TO THE STEAMBOAT CREEK INTERCEPTOR; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO, "be approved, adopted and published in accordance with NRS 244.100.

THIS ORDINANCE AMENDS ORDINANCE NO. 830.

Mary Henderson, Government Affairs Officer, updated the Board concerning pending legislation before the 1995 Legislature. She discussed NACO bills concerning voter approved bonded indebtedness, an increase in indigent tax levy, bills generated from the Interim Study Committee regarding a property tax cap to \$4.00, Senate Bill No. 473 concerning the imposition of a surcharge on telephone service in certain counties for enhancement of telephone systems for reporting emergencies, and a meeting to be held with the Government Affairs subcommittee tomorrow concerning the proposed formation of Ponderosa County.

95-406 COOPERATIVE WATER PLANNING LEGISLATION

Mary Henderson, Government Affairs Officer, John Hester, Director of Comprehensive Planning, and Mike Reed, Director of Government Affairs, Sierra Pacific Power Company, discussed the contents and answered questions of the Board regarding Senate Bill No. 489 providing for comprehensive planning and management of water in certain counties.

Mr. Hester stated that staff and Sierra concur that the Bill would be contingent on a Service Area Agreement between the County and Sierra and that although the Agreement would not have to be completed to necessitate passage of the Bill in order for it to be effectuated, a Service Area Agreement would be required.

Following discussion, Commissioner Bradhurst stated that he would encourage Sierra Pacific Power Company and staff to accelerate mapping work for the purpose of identifying service areas and to pursue negotiations with the County concerning this issue.

95-407 ACCESS RIGHTS TO OPHIR CREEK HEADGATE - PROPOSED LITIGATION

Karen Mullen, Department of Parks and Recreation, reviewed background information contained in a staff report concerning a request to authorize the District's Attorney's Office to institute whatever legal action may be necessary to determine the County's right of access across private land owned by Mr. and Mrs. Victor Jordan to a headgate located on Ophir Creek south of Davis Creek Park. She advised that approximately one year ago the District Attorney's Office requested the Parks Department to attempt to resolve this issue with the property owners; and that to date, their attempts have been unsuccessful.

John Rhodes, Deputy District Attorney, discussed the history of this issue and answered questions of the Board explaining that in May, 1994 his office was contacted by the Parks Department advising that the access utilized by them over the past 11 years to a headgate located on Ophir Creek had been blocked by Mr. and Mrs. Jordan, the current property owners. He explained that the Parks Department has attempted to resolve this issue with the landowner to negotiate the possibility of installing a gate allowing Parks Department access to the headgate; and that there has been no resolution of this matter as of this date. Mr. Rhodes explained that George Benesch, attorney representing Mr. and Mrs. Jordan, does not concur with the idea of installing a gate for Park access; and that due to these circumstances and no other alternatives presented by the property owners, it is his opinion that a judicial determination in the form of an action for declaratory relief would be required in this case to determine the various rights and duties of the parties concerning this matter based on the rights of water right holders to have reasonable access to their ditches as well as rights of diversion.

Mr. Rhodes further explained that the County has never had legal right of access over the property in question; that it would be a prescriptive right through usage or water rights ownership; that the Jordans previously purchased the property through an IRS tax sale; and therefore there is no title report to indicate whether or not existing potential rights of access ever existed on the property.

George Benesch attorney representing Mr. and Mrs. Jordon, stated that this issue involves a few Park Rangers who are not desirous of walking several hundred feet to a headgate. He explained that the existing road was previously constructed by neighboring property owners and water right holders following the Ophir Creek flood in 1983; that following the flood, reconstruction of the road was not close to the original location of the previous road; and that the Jordans cut off all vehicular access because it was being abused. He explained that he has made a commitment to the District Attorney that Mr. Jordan would allow the fence to be taken down should the Parks Department have the need to bring in large equipment for maintenance of the ditch; that Mr. Jordan

fenced his property in such a way that approximately 1-1/2 acres is not usable to him; that it was constructed so that the headgate is accessible by walking along the fenceline; and that he did not intend to limit anyone's access by doing so.

Victor Jordan, Ophir Creek property owner and complainant, reiterated that he had purchased the property through an IRS auction; and that the IRS gave him a deed indicating that he owns all existing rights of the previous property owners. He then distributed photographs of the site to the Board and advised that he intends to build additional structures on the flat area of his property near the location of the road. Commissioner Bradhurst stated that if that were the case, that the Parks Department would be unable to access the property if a need arose to bring heavy equipment in for any reason, and Mr. Jordan concurred with the statement.

Karen Mullen, responding to inquiries of the Board, stated that she did not believe that the Parks Department had increased the number of trips to the headgate; that other property owners and water rights holders in the vicinity do not have a conflict with the Parks Department; that they need to visit the site more frequently in the winter months due to ice and fluctuation in the pond; that during the summer months they only need to access it once per week or less; that it is necessary to bring a backhoe to the site approximately four or five times per year to clean out the Fish Pond Ditch which initiates at Ophir Creek; and that there are no other access points to the headgate.

Commissioner Bradhurst stated that he had visited the site yesterday suggesting that perhaps a wooden platform could be constructed to enable Parks Department staff to access the point of diversion.

Mr. Rhodes advised the Board that if a compromise should be reached between the parties wherein the existing access is utilized, that they would be doing so only on Mr. Jordan's word that he does not object to foot traffic on his property; that the County would be entering the property with his permission without prescriptive or legal right to do so; that he could construct a fence at any time disallowing anyone from entering onto his property; that he could sell his property; and that if the County does not have an existing right of access either by prescription or by holding water rights by non-use they may lose their vehicular right of access. He suggested that if the Board should elect to compromise this issue that they should obtain an ingress and egress deed, reiterating the most prudent way to handle this matter would be to file an action for declaratory relief between the County and Mr. Jordan to determine legal right of access.

Bob Rusk, Ophir Creek property owner and water rights holder, representing several property owners in the area, stated that Mr. Jordan has been less than reasonable in this case. He reviewed historical information concerning the access issue explaining that following the Ophir Creek flood in 1983 which destroyed portions of the old road, several property owners hired a contractor in conjunction with the Soil Conservation Service to construct a new road. He then encouraged the Board to consider the needs of all other property owners who have to access the point of diversion and to allow a court of law to decide this issue.

Commissioner Bradhurst advised that he and Mr. Benesch are both consultants for Nye, Lincoln and White, Pine Counties; and that in his opinion this case does not represent a conflict of interest.

Commissioner Bradhurst suggested that an attempt be made to initiate an agreement with Mr. Jordan that would not waive the County's right to access and allow foot and vehicular access to the property and heavy equipment when necessary stating that if agreement cannot be reached, then the matter would require litigation.

In response to Commissioner Sims inquiry concerning the potential of losing a court case and the possibility of waiving all rights of access over Mr. Jordan's land, Mr. Rhodes explained that although there is a potential for this to occur, it is not likely as traditionally, under water rights law, particularly in Nevada, water right holders are entitled to reasonable access to their ditches and points of diversion which may include access over private land.

Following discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, with Commissioners' Shaw and Bradhurst voting "no," it was ordered that the recommendation of the Parks and Recreation Department to authorize the District Attorney's Office to institute whatever legal action may be necessary to determine the County's right of access across private land to a headgate located on Ophir Creek south of Davis Creek Park, be granted.

Gene Bragman, representing McGuire Research Services, reviewed results of a Citizen Satisfaction Telephone Survey of 600 Washoe County residents conducted in March, 1995 and answered questions of the Board.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the following recommendations be approved concerning results of a Citizen Satisfaction Telephone Survey of 600 Washoe County residents conducted in March, 1995:

1. That Strategic Planning Teams be directed to review recommendations being prepared for the Strategic Plan to make sure they address issues of greatest concern to citizens (i.e. crime, child protective services; programs for children, youth, teens, and roads).
2. In order to help achieve and sustain a new standard of excellence for responsive, user-friendly government service, a top priority of the County Commission in their February, 1995 strategic planning workshop, implement point-of-service surveys in direct service departments by July, 1996 and monitor to demonstrate increased levels of user satisfaction. These should be designed to be consistent with, but more detailed than, the survey conducted on a Countywide basis.
3. That survey results be communicated to all County employees through a newsletter to be distributed with paychecks; encourage employees participating in Continuous Improvement Training to work on projects which address those services and issues of greatest concern to citizens.
4. That survey results be communicated to the public through the next Washoe County Annual Report.
5. That a follow-up survey be conducted within the next 12-18 months (timing to be based on the strategic planning and budget processes) in order to measure whether continuous improvement projects and budget decisions are having the desired impact.

95-409 INCLINE VILLAGE PARK DISTRICT 4B MASTER PLAN - AMENDMENT

Karen Mullen, Parks Department, answered questions of the Board concerning a proposed amendment to the Incline Village District 4B Master Plan.

Upon recommendation of Gene Sullivan, Director, Department of Parks Recreation, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the following actions be taken concerning the Incline Village Park District 4B Master Plan:

1. That the Incline Village Park District 4B Master Plan be amended to include a turfed multipurpose field at Incline Elementary School.
2. That the Parks Department be directed to draft a Joint Use Agreement with Washoe County School District whereby 100% of maintenance costs are paid by Washoe County School District for 5 years, and, thereafter Washoe County Parks will pay 50% of the average cost of maintaining a typical multipurpose field and Washoe County School District will pay 50% plus any costs exceeding the average cost.
3. That Park Construction Tax funds be utilized for design and construction of the multipurpose field.

95-410 OFFER OF DEDICATION - LEWIS HOMES - OPEN SPACE (GALENA TERRACE SUBDIVISION)

Karen Mullen, Department of Parks and Recreation, reviewed background information contained in a staff report concerning a request by Lewis Homes to accept an offer of dedication of open space including an abandoned gravel pit in the Galena Terrace Subdivision and answered questions of the Board.

She advised that pursuant to a request by Risk Management, Parks staff had viewed the site and that issues of liability and restoration of the existing gravel pit still remain outstanding.

Ray Sibley, Risk Manager, discussed liability issues concerning extensive use and disturbance of the gravel pit by motorcycles, all terrain and off-road vehicles. He stated that if the Board accepts the open space offered by Lewis Homes that he would suggest fencing and posting the westerly access and stated that he is also concerned with issues regarding drainage and the responsibility of maintaining a fire break.

Michael Harper, Director of Development Review, stated that the Galena Terrace Subdivision has been previously approved, and because of this reason, it would be very difficult for the County to impose additional conditions. He explained that the applicant is required to establish a homeowners association for the purpose of maintaining the internal open space; and that maintenance of the firebreaks surrounding the property would be required of the applicant. He advised that liability, maintenance and drainage issues could be transferred to the County should they accept this offer; that the Board needs to determine whether the County should be involved in maintaining internal open space only to be viewed by residents adjacent to the open space area; and that he would suggest that a more complete presentation be given to the Board at a future date regarding policy implications relative to this issue.

Commissioner Sims expressed great concern regarding internal open space in any subdivision stating that it is his belief there is no public benefit derived if maintenance of such an area is not adhered to diligently.

Following discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that a request by Lewis Homes to accept an offer of dedication of a large tract of open space which includes an abandoned gravel pit located in the Galena Terrace Subdivision, be continued to June 13, 1995; and that staff be directed to prepare a report for the Board addressing all concerns regarding open space issues.

95-411 STORM DRAIN EASEMENT - WASHOE MEDICAL CENTER

Upon recommendation of James Gale, Sr. Property Agent, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that a Grant of Easement from Washoe County to Washoe Medical Center, for the purpose of reconnecting a storm drain inadvertently disconnected during construction of the Ronald McDonald House, be approved.

95-412 PERFORMANCE AUDIT - DEVELOPMENT REVIEW, BUILDING SAFETY

Gary Goelitz, Finance Division, reviewed recommendations contained in a staff report dated April 24, 1995 and answered questions of the Board concerning a Performance Audit of the Development Review Department and the Building and Safety Division.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the Performance Audit of the Development Review Department and the Building and Safety Division be accepted; that staff be directed to report back to the Board within 60 to 90 days with a plan of implementation; and that the Finance Department take the lead role in this effort to include an assessment of the organizational structure relating to Development services considering various compartments of service and the possibility of fusing some of these together.

95-413 BILL NO. 1107 - AMENDING CHAPTER 110 - WASHOE COUNTY CODE (DEVELOPMENT CODE) - SCENIC CORRIDOR, OPEN SPACE STANDARDS AND SITE COMPATIBILITY

County Manager John MacIntyre advised that considerable discussion had taken place at yesterday's caucus regarding Commissioner Mouliot's concern regarding proper notification to affected property owners located near the Scenic Corridor areas contained in the proposed amendment.

Skip Canfield, Department of Comprehensive Planning, explained the notification process and answered questions of the Board concerning the ordinance. He advised that staff had previously mailed informational packets concerning this issue to all Citizen's

Advisory Board members and reviewing agencies; and that this matter had been heard on several occasions before the Design Review Committee, the Board of Adjustment and the Planning Commission. Hethen discussed costs associated with the notification and publication of the amendment.

Commissioner Mouliot expressed dissatisfaction that many affected property owners along the Pyramid Lake Highway had not been properly notified of the proposed ordinance. He stated that in his opinion, all scenic corridor highways are being combined without similarity; that numerous individuals would be financially impacted as a result of the proposed amendment; that in his opinion this represents a zone change; and that he could not vote favorably for the amendment until all property owners who may be ultimately affected by the Scenic Corridor issue are properly notified and given the opportunity to speak. He then requested that a display ad be placed in the newspaper describing the property to be designated as Scenic Roadway corridors and how this may affect the owners of property.

Jeanne Johnson representing the Mt. Rose/Geiger Grade Citizens Advisory Board, stated she had been designated by her CAB to oversee the Scenic Corridor issue; and that they have been working very vigorously on this issue for the past 3 1/2 years conducting numerous public meetings. She explained to Commissioner Mouliot that the corridors are not being grouped together other than to identify roadways that have been deemed to have the most priority and importance to the public; that each of the corridors are considered individually and viewed for their scenic beauty; and that the opinion of commercial landowners are also considered.

Following discussion, Commissioner Bradhurst directed that staff mail notices to all affected property owners along the proposed Scenic Corridor; and that a display ad concerning this issue be published in the newspaper noticing the public hearing and describing the Scenic Corridors to be designated.

Bill No. 1107, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADD ARTICLE 426, SCENIC ROADWAY CORRIDOR STANDARDS, ARTICLE 432, OPEN SPACE STANDARDS, AND ARTICLE 434, SITE COMPATIBILITY, AND OTHER MATTERS PERTAINING THERETO," was introduced by Commissioner Bradhurst, the title read to the Board and legal notice for final action of adoption on July 18, 1995 directed.

95-414 TRAVEL

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following travel requests and advancement of travel funds be approved:

Name	Department	Destination	Date	Amount
B. Baskin	Sheriff	Provo, UT	6/17/95 - 6/23/95	\$ 774.00
J. Bond	Commissioner	Fulton Co., GA	7/20/95 - 7/25/95	1,537.00
R. Calderone	Juvenile Services	Las Vegas, NV	6/06/95 - 6/07/95	197.12
R. Herzig	Juvenile Services	Las Vegas, NV	6/06/95 - 6/07/95	180.12
M. Monroe	Health	Seattle, WA	6/17/95 - 6/24/95	650.00
M. Woolley	Juvenile Services	Las Vegas, NV	6/06/95 - 6/07/95	180.12

95-415 MERIT AWARD - VIRGINIA OVITT - PARKS

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Sims, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that a \$400.00 merit cash award be granted to Virginia Ovitt, an employee of the Parks Department, for her suggestion regarding the purchase of new telephone systems for the Parks Administration Office and Washoe and Sierra Sage Golf Courses.

95-416 INCREASE PART-TIME INVESTIGATOR POSITION TO FULL TIME - PUBLIC ADMINISTRATOR

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the position of Part-Time Estate Investigator in the Public Administrator's Office be increased to a full-time position effective July 1, 1995.

95-417 ABOLISHMENT - RESTAURANT MANAGER - PARKS

Upon recommendation of Gene Sullivan, Director, Department of Parks and Recreation, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the position of Restaurant Manager in the Washoe County Parks Department be abolished effective July 1, 1995.

95-418 NON-COUNTY TRAVEL EXPENSES - DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM - SHERIFF

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that travel expenses for non-County employees, Bob Swift, Scott Henriod, and Phyllis Sorhouet, be approved in the amount of \$2,300.00 regarding their participation in the Sheriff's D.A.R.E. (Drug Abuse Resistance Education) Program.

95-419 BUDGET APPROPRIATION TRANSFERS - SHERIFF

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the following transfer of appropriations in the Sheriff's Office, be acknowledged:

Decrease		Increase	
Account	Amount	Account	Amount
1581-7259	\$23,000.00	1510-7341	\$23,000.00
1510-70021	5,720.00	1510-7003	5,720.00
1582-7250	14,000.00	1503-7250	14,000.00
1582-7277	70,000.00	1503-7277	70,000.00

It was further ordered that the Comptroller be authorized to make the necessary budget transfers.

95-420 ACCEPTANCE - ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE GRANT

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that an Organized Crime Drug Enforcement Task Force Grant used to reimburse the overtime of a Washoe County Sheriff's Office employee incurred while participating in Organized Crime Drug Enforcement Task Force investigations in the amount of \$4,449.83, be retroactively accepted, and that the following account transactions be authorized:

Increase Revenues		Increase Expenditures	
15255G-4301	\$4,449.83	15255G-7003	\$4,449.83

95-421 ACCEPTANCE OF DONATION - JUVENILE PROBATION

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that a donation in the amount of \$1,000.00 from Krump Construction, Inc., to the McGee Center be accepted, and that the following account transactions be authorized:

Increase Amount

12931D-5802 \$1,000.00

12931D-7230 1,000.00

It was noted that the donation will be used to sponsor juveniles housed at the McGee Center for educational and recreational outings in the community.

95-422 RESOLUTION AUGMENTING GENERAL FUND (FUND 001) - TRANSFER OF FUNDS

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

RESOLUTION

A RESOLUTION TO AUGMENT THE GENERAL FUND (FUND 001)

WHEREAS, the General Fund was established to account for all revenues and expenditures not specifically authorized in another fund; and

WHEREAS, the General Fund has been determined to have an unappropriated fund balance of \$3,739,697; and

WHEREAS, the Capital Facilities Fund has an identified shortfall of \$2,400,000 that can be funded from the unbudgeted General Fund resources; and

WHEREAS, the Equipment Services Fund has an identified need of in excess of \$515,697 a portion of which can be funded from the unbudgeted General Fund resources; and;

WHEREAS, the Voter Registrar does not have sufficient appropriation authority to acquire the capital equipment needed in the approximate amount of \$624,000 which can be funded from the unbudgeted General Fund resources; and

WHEREAS, the Parks Department does not have sufficient appropriation authority to pay the outstanding balance on the purchase of certain park property in the amount of \$100,000 which can be funded from the unbudgeted General Fund Resources; and

WHEREAS, the Public Affairs Division does not have sufficient appropriation authority to complete the government access television system in the amount of \$100,000 which can be funded from the unbudgeted General Fund resources.

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

Section 1. The budget of the General Fund be augmented as follows:

Increased Resource

Unappropriated Fund Balance	001-3438	\$3,739,697.00
Increased Appropriations		
Transfer to Capital Projects Fund	089-89031-8101	\$2,400,000.00
Transfer to Equipment Services Fund	069-6901-8101	\$ 515,697.00
Capital Outlay - Voters	001-1124-7820	\$ 624,000.00
Capital Outlay - Parks	001-1402-7861	\$ 100,000.00
Capital Outlay - Public Affairs	001-1895-7843	\$ 100,000.00

Section 2. This Resolution shall be effective on passage and approval.

Section 3. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller and the Finance Division within 30 days.

* * * * *

It was ordered that the following account transactions be authorized and that the Comptroller be directed to post the necessary entries to complete the transfer of cash:

From		To	
Fund	Amount	Fund	Amount
001-3210-8189	\$2,400,000.00	089-89031-6901	\$2,400,000.00
001-3210-8169	\$ 515,697.00	069-6901-6901	\$ 515,697.00

It was further ordered that the acquisition of voting equipment through the normal County purchasing process be authorized; that the Parks Department pay the outstanding balance on the purchase of Camp We-Che-Me as previously approved by the Board; and that the Public Affairs Division pursue the acquisition and implementation of government access television as previously presented to the Board.

95-423 STREET NAME CHANGE - HILDEGARD COURT TO ARCHER COURT

Upon recommendation of Margaret Spicher, Coordinator, Regional Street Naming Committee, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the request to change the name of Hildegard Court, located east off of Omni Drive in the Bridle Path Subdivision, to Archer Court be approved, effective immediately.

95-424 REFUND OF TAXES - COLONIAL PACIFIC LEASING CORP.

Based on District Attorney's Opinion No. 6284, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Bond voting "no," it was ordered that the request by Colonial Pacific Leasing Corp., for refund of taxes paid on Personal Property ID# 2/190-763, 764, 765, 766 and 767 for the 1994-95 tax year be denied for the reasons stated in the Decision placed on file with the Clerk.

95-425 REFUND OF TAXES - REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY ID # 2/167/011

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that this item be continued to June 13, 1995 to further investigate issues concerning indigent care costs.

95-426 REFUND OF TAXES - HAROLD M. AND HELEN M. CHADWICK

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6291, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw 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, Harold M. and Helen M. Chadwick (Taxpayers), made application for the refund of 1993-94 and 1994-95 real property taxes because, based upon assessment errors, the Assessor's Office misappraised the Taxpayers property, APN 038-730-19; and

WHEREAS, Harold M. and Helen M. Chadwick have overpaid taxes for fiscal years 1993-1994 and 1994-1995 in the amount of \$623.58; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicants for a refund have 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 Harold M. and Helen M. Chadwick a total of \$623.58, that amount being the taxes overpaid by Harold M. and Helen M. Chadwick for the tax years 1993-1994 and 1994-1995 on APN 038-730-19.
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.

95-427 REFUND OF TAXES - EARL AND ISABEL CRAIN

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that this item be continued to June 13, 1995 to allow staff sufficient time to meet with the Treasurer's Office concerning this matter.

95-428 REFUND OF TAXES - EAGLE VALLEY CONSTRUCTION

Based on District Attorney's Opinion No. 6293, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the request by Eagle Valley Construction Company for refund of taxes paid on Real Property APN 045-252-04 in the amount of \$8,321.59 for the 1992-1993, 1993-1994 and 1994-1995 tax years be denied for the reasons stated in the Decision placed on file with the Clerk.

95-429 REFUND OF TAXES - THE FLOOD COMPANY

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6292, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw 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, The Flood Company (Taxpayer), made application for the refund of 1992-1993, 1993-1994 and 1994-1995 real property taxes because based upon assessment errors, the Assessor's Office misappraised the Taxpayer's property, APN 034-362-09; and

WHEREAS, The Flood Company has overpaid taxes for fiscal years 1992-1993, 1993-1994 and 1994-1995 in the amount of \$29,477.59; 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 The Flood Company a total of \$29,477.59, that amount being the taxes overpaid by The Flood Company for the tax years 1992-1993, 1993-1994 and 1994-1995 on APN 034-362.09.

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.

95-430 AWARD OF BID NO. 1841-95 - FLEET VEHICLES - EQUIPMENT SERVICES

This was the time to consider awarding of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on May 9, 1995 for 1995 Fleet Vehicles for the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice to Bidders had been given.

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

- Champion Chevrolet
- Grolli Motors
- Jones-West Ford
- Reno Jeep Eagle
- Winkel Pontiac-GMC

Capital Ford, Inc., Carson Dodge Chrysler, Dick Donnelly Auto Enterprises, Downtown Ford Sales, Fallon Auto Mall, Folsom Lake Ford, Friendly Ford, Lee Bros Leasing, Michael Hohl Motor Company, Owens Ford Mercury, Reno Chrysler Plymouth, Reno Dodge Sales Inc., Valley Chevrolet Pontiac failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that Bid No. 1841-95 for 1995 Fleet Vehicles for the Equipment Services Division of the General Services Department be awarded to the following bidders for immediate delivery:

Winkel Pontiac-GMC
 Bid Item #1
 New 1995 four door mid-size sedans
 Two ea., Pontiac Grand Prix @ \$16,275.00 ea. \$ 32,550.00 Total

Champion Chevrolet -
 Bid Item #1
 New 1995 four door mid-size sedans
 One ea., Chevrolet Lumina @ \$ 18,952.00 ea. \$18,952.00 Total

Bid Item #3
 New 1995 four door all wheel drive utility vehicles
 Three ea., Chevrolet Blazers @ \$24,505.00 ea. \$ 73,515.00 Total

Grand Total \$125,017.00

It was further ordered that the following roster of bidders to provide 1995 Fleet Vehicles after July 1, 1995, on an as-needed basis through September 1995 subject to dealer stock and availability be approved:

Champion Chevrolet
 Bid Item #1 (mid-size sedans) \$18,952.00
 Bid Item #2 (full-size sedans) 19,355.00
 Bid Item #3 (all wheel drive utility vehicle) 24,505.00
 Bid Item #4 (all wheel drive full size pick-up) 20,956.00

Grolli Motors
 Bid Item #3 (all wheel drive utility) \$25,900.00

Jones-West Ford

Bid Item #2 (full-size sedans) \$18,367 to \$18,952.00
Bid Item #3 (all wheel drive utility vehicle) 25,929.00
Bid Item #4 (all wheel drive full size pick-up) 19,289.00

Reno Jeep Eagle

Bid Item #3 (all wheel drive utility vehicle) \$24,123.00

Winkel Pontiac-GMC

Bid Item #1 (mid-size sedans) \$16,275.00
Bid Item #2 (full-size sedans) 18,665.00
Bid Item #3 (all wheel drive utility vehicle) 24,950.00
Bid Item #4 (all wheel drive full size pick-up) 20,330.00

It was noted that an estimated fifteen additional 1995 model vehicles shall be required of various makes and models to suit the needs of Equipment Services and the Washoe County Sheriff's Department, at an additional cost of approximately \$300,000.

95-431 AWARD OF BID - 1994/95 SLURRY SEAL OF SELECTED STREETS - TRUCKEE MEADOWS AND INCLINE VILLAGE AREA - PUBLIC WORKS

This was the time to consider award of contract, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on March 27 and May 4, 1995, for the 1994/95 Slurry Seal of selected streets in the Truckee Meadows and Incline Village area, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

The following is a summary of the bids received:

C.P.M.	VALLEY SLURRY	INTERMOUNTAIN	SIERRA NV. CONST.	
Base Bids:				
	\$200,705.00	\$238,243.00	\$259,341.00	\$308,304.80
Alternates:				
(1)	5,493.75	6,521.25	7,098.75	8,163.75
(2)	17,213.75	20,433.25	22,242.75	25,579.75
(3)	5,127.50	6,086.50	6,351.10	7,876.40
	\$228,540.00	\$217,284.00	\$295,033.60	\$349,924.70

Upon recommendation of Craig McConnell, Public Works Director, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the contract for the 1994/95 Slurry Seal of selected streets in the Truckee Meadows and Incline Village Areas, a list of which having been previously approved by the Board, be awarded to the low bidder, California Pavement Maintenance (C.P.M.), for the base bid and Alternates No. 1, 2, and 3 in the estimated amount of \$228,540.00; and that Chairman Shaw be authorized to execute the contract when presented.

95-432 AGREEMENT - SEA CONSULTING ENGINEERS, INC. - TESTING AND INSPECTION SERVICES - 1994/95 SLURRY SEAL OF SELECTED STREETS - TRUCKEE MEADOWS AND INCLINE VILLAGE - ENGINEERING

Upon recommendation of David Price, County Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an Agreement between Washoe County and SEA Consulting Engineers, Inc., concerning Testing and Inspection Services for the 1994/95 Slurry Seal of Selected Streets in the Truckee Meadows and Incline Village Areas, be approved; and that Chairman Shaw be authorized to execute.

95-433 HEALTH BENEFITS PROGRAM - FISCAL YEAR 1995/96 - RISK MGMT.

Upon recommendation of Ray Sibley, Risk Manager, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the Health Benefits Program for Fiscal Year 1995/96 be continued; and that the Risk Manager be authorized to execute insurance contract renewals and other service contracts (placed on file with the Clerk) necessary to continue the program.

95-434 AGREEMENT - STATE OF NEVADA EMPLOYMENT SECURITY DEPARTMENT FORENSIC SUPPORT - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an Agreement between Washoe County and the State of Nevada, Department of Employment, Training Rehabilitation, Employment Security Division, concerning Forensic Support, be approved; that Chairman Shaw be authorized to execute; and that the following account transactions be authorized:

It was noted that the contract is for \$17,054.00 and can be increased up to 15% depending on the usage.

Increase Revenues	15220D-4301	\$17,054.00
Increase Expenditures	15220D-7825	\$17,054.00

95-435 WATER RIGHTS QUITCLAIM DEED AND WATER SALE AGREEMENT - (SUN VALLEY WATER AND SANITATION DISTRICT) - PRIESS RANCH SUBDIVISION PHASE I

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Water Rights Quitclaim Deed for 2.38 acre-feet from a portion of Permit 56728 between Sun Valley Water and Sanitation District "Grantor" and Washoe County "Grantee" and Water Sale Agreement between Sun Valley Water and Sanitation District and Washoe County, be approved; that Chairman Shaw be authorized to execute the Water Rights Quitclaim Deed and Water Sale Agreement; and that the Chief Sanitary Engineer be directed to record the Water Rights Quitclaim Deed and Water Sale Agreement with the County Recorder.

It was noted that the water rights are being dedicated to Washoe County in accordance with Article 422 of the Washoe County Development Code in support of Priess Ranch Subdivision, Phase 1.

95-436 WATER RIGHTS QUITCLAIM DEEDS AND WATER SALE AGREEMENTS - (SUN VALLEY WATER AND SANITATION DISTRICT) - HIGHLAND RANCH NORTH SUBDIVISION - STONE CREEK PLACE, PHASE 10

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Water Rights Quitclaim Deed for 19.53 acre-feet from a portion of Permit 56728 and Water Rights Quitclaim Deed for 4.0 acre-feet from Permit 55006 (originally a portion of Claim 628) for a total of 23.53 acre-feet between Sun Valley Water and Sanitation District "Grantor", and Washoe County "Grantee" and two Water Sale Agreements between Sun Valley Water and Sanitation District and Washoe County, be approved; that Chairman Shaw be authorized to execute; and that the Chief Sanitary Engineer be directed to record the two Water Rights Quitclaim Deeds and Water Sale Agreements with the County Recorder.

It was noted that the water rights are being dedicated to Washoe County in accordance with Article 422 of the Washoe County Development Code in support of Highland Ranch North Subdivision-Stone Creek Place, Phase 10.

95-437 ACCEPTANCE OF DEED - PAVICH ASSOCIATES, INC.

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that a Deed for 46.92 acre-feet from Permit 53248 between Pavich Associates, Inc., "Grantor" and Washoe County "Grantee" be approved; that Chairman Shaw be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Deed with the County Recorder.

It was noted that in accordance with Article 422 of the Washoe County Development Code, Pavich Associates, Inc., on behalf of Lewis Homes of Nevada is dedicating 46.92 acre-feet of Water Rights from Permit 43248 in support of Galena Terrace, Unit 1.

95-438 WATER RIGHTS DEED - REALTY CORNER

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 2.50 acre-feet from a portion of Permit 56927 between Realty Corner, a Nevada General Partnership, "Grantor", and Washoe County, "Grantee", be approved; that Chairman Shaw be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that in accordance with Article 422 of the Washoe County Development Code and the Warm Springs Area Plan, Realty Corner is dedicating 2.50 acre-feet of water rights from a portion of Permit 56927 in support of their parcel map.

95-439 WATER RIGHTS QUITCLAIM DEEDS - SPRING CREEK 93 DEVELOPMENT, INC., AND SCOTT B. AND TIMOTHY O. TUCKER

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the Water Rights Quitclaim Deed for 10.66 acre-feet from a portion of Claim 271 between Spring Creek 93 Development, Inc., "Grantor", and Washoe County, "Grantee"; and Water Rights Quitclaim Deed for 39.828 acre-feet from a portion of Permits 55812 and 55813 between Scott B. Tucker and Timothy O. Tucker "Grantor" and Washoe County "Grantee", for a total of 50.488 acre-feet be approved; that Chairman Shaw be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Water Rights Quitclaim Deeds with the County Recorder.

It was noted that the water rights are offered for dedication in accordance with Article 422 of the Washoe County Development Code and the Spanish Springs Area Plan.

95-440 STORM DRAIN EASEMENT - HIDDEN CANYON SUBDIVISION UNIT 2

Upon recommendation of James Gale, Sr. Property Agent, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried Chairman Shaw ordered that a Grant of Easement between Washoe County and Braddock and Logan Group concerning the construction of storm drain facilities within Hidden Canyon Subdivision Unit 2, be accepted.

95-441 TIMELY SUBMISSION OF BACKUP MATERIAL - COUNTY COMMISSION AGENDAS

Commissioner Sims advised that this item was placed on the agenda at his request in an attempt to implement a policy whereby the Board would not accept information to be utilized in the Board's decisions concerning an agenda item from staff as well as members of the general public after a certain date prior to the meeting. He explained that this might prevent individuals from submitting evidence which in the past, has forced the Board to postpone matters due to their lack of time to review materials presented at the meeting.

Deputy District Attorney Madelyn Shipman advised that individuals have the right to present material at the time of a meeting in cases coming before the Board on appeal, but that ordinarily, this issue should be addressed on a case-by-case basis.

County Manager John MacIntyre suggested that staff be directed to research other jurisdictions to ascertain how they manage paperwork flow relating to Board meetings and public hearings.

Commissioner Bradhurst requested that staff provide Board members with the majority of meeting material no later than Wednesday prior to a meeting day.

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There being no further business to come before the Board, the meeting adjourned to a Closed Personnel Session at 5:00 p.m.

JAMES M. SHAW, CHAIRMAN
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk