

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. MARCH 19, 1996

PRESENT:

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

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

The Board met in regular session in the Commissioner 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 Mouliot, which motion duly carried, Chairman Bradhurst ordered that the agenda for the March 19, 1996 meeting be approved with the following amendments -- Delete: Item 7, seal/logo/icon standardization; Item 11G, Budget amendment to fiscal year 1995/96 Air Quality Management Program; and Item 13, Recommendation concerning increases to Judges' base salaries for Gerlach and Verdi Justice Courts.

PUBLIC COMMENTS

There was no response to the call for public comments.

96-212 KENNEL PERMIT APPEAL - CLAUDIA WHITELEY - RECONSIDERATION

Katie Stevens, Animal Control Officer, reviewed background information concerning a request by Claudia Whiteley to reconsider the denial of her kennel permit [Item No. 96-35] considered on January 16, 1996. She advised that Ms. Whiteley had been given thirty days to reduce the number of dogs at her residence from seven to three; that she has complied with this request; that notification had been sent to eighteen neighbors concerning the request for reconsideration; and that two objections had been received.

Claudia Whiteley, applicant, stated that she is requesting a permit for five dogs; that a German Shepard previously residing with her and belonging to a friend, is no longer at her house; that her property is currently flooded; that due to these circumstances strong odors are being emitted from her yard; that her dogs do not run loose; that they are very well behaved; and that she is willing to construct a privacy fence if the Board desires. In conclusion, Ms. Whiteley stated that she has affidavits from neighbors supporting the kennel permit; that she owns three breeding female dogs; and that they produce approximately three litters per year.

Bobbie Prather, residing on Albert Way, stated that Ms. Whiteley's terrier has been running loose since she purchased the dog; that she resides 12 feet from the property line; that they cannot open their front door due to the extreme odors being emitted from Ms. Whiteley's yard; and that she would encourage the Board to uphold the denial of the kennel permit.

Commissioner Bond stated that there has not been any new testimony presented today that would change the circumstances.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the the request for reconsideration for a kennel permit by Claudia Whiteley be denied.

96-213 KENNEL PERMIT APPEAL - BETH REMER

Katie Stevens, Animal Control Officer, reviewed background information and answered questions of the Board concerning a request by Beth Remer to house 5 dogs at 5455 Pearl Drive, Sun Valley, Nevada. Ms. Stevens stated that complaints had been received relating to barking dogs; that 34 neighbors had been notified; and that one letter of objection had been received.

Beth Remer, applicant, stated that she had affidavits in support of the kennel permit application from several of her neighbors and referred to a handout containing results of a noise level study that she had conducted in the neighborhood.

Troy Butler residing across the street from Ms. Remer, stated that he has never experienced any problems with Ms. Remer's dogs.

Commissioner Bond advised Ms. Remer that if the Board should grant the kennel permit and other complaints are received, that she would run the risk of having the permit revoked, and Ms. Remer stated that she understood this to be the case.

In conclusion, Ms. Remer stated that her dogs are not barkers; and that automobiles traveling in the immediate area create more noise than her dogs generate.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the kennel permit for Beth Remer to house 5 dogs at 5455 Pearl Drive, Sun Valley, Nevada be granted, subject to the kennel being constructed to County standards and applicant's awareness that the permit will be revoked if any further complaints are received.

96-214 PROPERTY EXCHANGE - NORTH HILLS BOULEVARD - PUBLIC WORKS

John MacIntyre, County Manager, reviewed information contained in a staff report from James Gale, Sr. Property Agent, concerning a proposed exchange of property located on North Hills Boulevard between Washoe County and Flemming Carstensen. He explained that the property was appraised by the Assessor's Office in November, 1995 for a total of \$395,000; that the property was part of the North Hills Assessment District; and that upon default of payments, the County then acquired the property through a tax lien process.

Chairman Bradhurst advised that it is important for the Board to determine the use of the proposed land prior to action being taken; and that the Board is not at that point today.

Lawrence Scheller, partial owner of properties located on North Hills Boulevard, discussed the proposed land exchange and distributed plat maps of the area.

He advised that all of the parcels are located within the sphere of influence for the City of Reno; and that he has been informed by Sierra Pacific Power Company that water and sewer are available in the area. Mr. Scheller then answered questions of the Board concerning the proposed exchange.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that staff report back to the Board as soon as possible concerning the feasibility of utilizing the land proposed to be exchanged for a Juvenile Detention Center or other usage's; that the Board visit the area proposed to be exchanged; and that a cost comparison be prepared with other County owned properties.

96-215 APPOINTMENT - ORGANIZATIONAL EFFECTIVENESS COMMITTEE - PLANNING

County Manager, John MacIntyre, reviewed information contained in a staff report from Kim Carlson, Strategic Planner, concerning

the appointment of a Board member to the Organizational Effectiveness Committee.

Commissioner Sims stated that he is desirous of serving on the committee.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Commissioner Sims be appointed to serve on the Organizational Effectiveness Committee (OEC) with a term to expire December 31, 1997.

96-216 COMMUNITY SERVICE CENTER PLAN - PLANNING

Romany Woodbeck, Department of Comprehensive Planning gave a progress report and answered questions of the Board concerning a community service center plan contained in recommendation #22 of the Strategic Plan. She explained that the work program, which is proposed to commence in March, 1996, includes the creation of a working committee to assist with preparation of the community service center plan, research efforts of other Counties to address the concept of community service centers, identifying communities and centers within Washoe County, defining a community service center for Washoe County, assessing services to be included in the community service centers, and research funding sources for construction and for operation and maintenance of community service centers, a Working Committee and a public opinion survey.

Chairman Bradhurst expressed concern about going out to various geographic areas and giving citizens a sense that there will be a decentralization of County services and facilities without any consideration of cost; and that it is important that they understand that this is merely a concept at this point in time.

Commissioner Sims stated that he is concerned with the expenditure of funds for a public opinion survey versus the use of funds to address more serious problems such as keeping pace with basic services and Ms. Woodbeck stated that they may be able to pursue federal funds for this purpose.

Commissioner Sims further stated that in the process of looking at the development of a community service plan, this concept should be compared to one that is not decentralized and that additional funds utilized for decentralization could be rolled into improving the quality of service at a central location.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the progress report on the community service center plan, be acknowledged.

96-217 PROCLAMATION - MARCH, 1996 - PURCHASING MONTH

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

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

WHEREAS, The purchasing, contracts and materials management profession has a significant role in the quality, efficiency and profitability of business and government throughout the United States; and

WHEREAS, The purchasing, contracts and materials management progression works for private and public, profit and nonprofit organizations; and

WHEREAS, In addition to the purchase of goods and services, the purchasing, contracts and materials management profession engages in or has direct responsibility for functions such as executing, implementing and administering contracts; developing forecasts and procurement strategies; supervising and/or monitoring the flow and storage of materials and developing working relationships with suppliers, as well as other departments within the organization; and

WHEREAS, The purchasing, contracts and materials management profession has tremendous influence on the economic conditions in the United States, with an accumulative purchasing power running into the billions of dollars; and

WHEREAS, The Washoe County Purchasing Department has contributed significantly to the accomplishment of the County's mission of providing "Leadership In The Delivery of Services In A Quality Cost-Effective Manner" for its citizens; and

WHEREAS, The National Association of Purchasing Management, the Northern Nevada Consortium for Cooperative Purchasing, the National Purchasing Institute and other purchasing associations in the United States and around the world are holding activities and special events to promote the awareness of the general public on the vital role of purchasing within business, industry and government; now, therefore be it

PROCLAIMED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA That MARCH, 1996, is designated as "PURCHASING MONTH" and the Board encourages all citizens of Washoe County to join with them in commemorating this observance.

96-218 COURSE ENROLLMENT - TARA KAIRN - RENO JUSTICE COURT

Upon recommendation Joanne Ray, Chief of Personnel, Chairman Bradhurst ordered that Tara Kairn, Court Clerk Specialist, Reno Justice Court, be granted approval to enroll in a course at Truckee Meadows Community College entitled, "Second Year Spanish I," and to seek reimbursement for expenses upon satisfactory completion of the course with a grade of "B" or better.

96-219 REAPPOINTMENT - PERSONNEL COMMITTEE

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Ronald King be reappointed to the Personnel Committee, with a term to expire on April 24, 2000.

96-220 REFUND OF FEES - COMPREHENSIVE PLAN AMENDMENT APPLICATION CPA95-SWTM-2 (S.B.GEO, INC.)

Upon recommendation of Romany Woodbeck, Department of Comprehensive Planning, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a refund in the amount of \$2,575 for Comprehensive Amendment Application CPA95-SWTM-2 to S.B. Geo, Inc., be granted.

96-221 SALE OF HOUGH FRONT-END LOADER - RENO LIVESTOCK EVENTS CENTER - GENERAL SERVICES

Upon recommendation of Bud Fujii, Director, General Services Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the sale of one 1973 Hough, Model 60B, 3 Yard Bucket Loader, Serial Number 3420317V002502 to the Reno Livestock Events Center in the amount of \$1,000.00, be approved.

96-222 ENGAGEMENT LETTER - AUDITING SERVICES - KAFOURY, ARMSTRONG & CO. - FINANCE

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an engagement letter between Washoe County and Kafoury, Armstrong & Co., concerning provision of auditing services for Washoe County for the year ending June 30, 1996, be approved and Chairman Bradhurst be authorized to execute.

96-223 RETURN OF FUNDS TO CONTINGENCY - FINANCE

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that \$100,754 be returned to the Contingency account.

It was noted that in December, 1995 the Board approved a transfer from Contingency to the Registrar of Voters for the March

Presidential Primary Election; that the funds for the primary will be reimbursed by the State; that there is no need for Contingency funds on an interim basis; and that the funds will be utilized for other County needs.

96-224 AWARD OF BID - OUTSOURCING OF WASHOE COUNTY PROPERTY TAX BILLING - BID NO. 1904-96 - TREASURER/MIS

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 February 8, 1996, for Outsourcing of Washoe County Property Tax Billing on behalf of the Washoe County Treasurer and the MIS Department. Proof was made that due and legal Notice to Bidders had been given.

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

Moore Business Communication Services

AT&T Global Information Solutions, Central Business Forms, Intraform, Panda, Inc., and Sequoia Pacific failed to respond to the Invitation to Bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1904-96 for Outsourcing of Washoe County Property Tax Billing, on behalf of the Washoe County Treasurer and the MIS Department, be awarded to Moore Business Communication Services, in the estimated annual amount of \$74,400.00.

It was noted that the award is for a one-year period, with the County retaining an option to renew the agreement subject to negotiation, in annual increments not-to-exceed three renewals.

96-225 AWARD OF BID - TUBERCULOSIS LAB CLINIC REMODEL PROJECT - BID NO. 1913-96 - GENERAL SERVICES

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on February 5, 1996, for the Tuberculosis Lab Clinic Remodel Project on behalf of the Building and Grounds Division of the General Services Department. Proof was made that due and legal Notice to Bidders had been given.

Darrell Craig, General Services Department, answered questions of the Board concerning costs associated with this project.

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

Northern Sierra Construction, Inc.
United Construction Company
Naisbitt Construction
F. Evans Construction, Inc.
T & C Construction
Christman Construction, Inc.
Newmont Construction, Inc.
McCollum Construction Co., Inc.

Holmes Construction Company, submitted a "no bid" response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1913-96 for the Tuberculosis Lab Clinic Remodel Project on behalf of the Buildings and Grounds Division of the General Services Department, be awarded to the lowest, responsive, responsible bidder, United Construction Company, in the net amount of \$238,500.00.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement for the Tuberculosis

96-226 GRANT - CHILDREN'S CABINET OF INCLINE VILLAGE - STUDENT LIAISON OFFICER - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that grant funds from the Children's Cabinet of Incline Village for the purpose of hiring a temporary Student Liaison Officer for the Sheriff's Office Incline Village Substation, be accepted.

96-227 APPLICATION FOR GRANT FUNDING - DEPARTMENT OF JUSTICE - DNA LABORATORY PROGRAM - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the submission of a joint Grant application between Washoe County and the Las Vegas Metropolitan Crime Lab for a DNA Laboratory Program be, approved.

96-228 DONATION - FEDERAL FORFEITURE FUNDS - RENO AND INCLINE VILLAGE LAW ENFORCEMENT EXPLORER POSTS

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a donation from federal forfeiture funds, account 15141-D in the amount of \$1,000.00 to the Law Enforcement Explorer Posts, with \$500.00 to Reno Post #237 and \$500.00 to Incline Village Post #137, be accepted.

96-229 INTERSTATE AGREEMENT - CROSS DESIGNATION OF LAW ENFORCEMENT OFFICERS - NEVADA COUNTY

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that an Interstate Agreement for Cross Designation of Law Enforcement Officers between the Washoe County (Sheriff) and Nevada County, California (Sheriff), concerning mutual aid assistance, be approved and Chairman Bradhurst be authorized to execute.

96-230 FORENSIC SUPPORT SERVICE AGREEMENT - DEPARTMENT OF EMPLOYMENT, TRAINING & REHABILITATION - FINANCE

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that a Forensic Support Service Agreement between Washoe County and the State of Nevada (Department of Employment, Training & Rehabilitation), concerning Forensic Support Services and reimbursement for same, be approved and Chairman Bradhurst be authorized to execute.

96-231 APPROPRIATION TRANSFER FROM SERVICES AND SUPPLIES TO TRAVEL ACCOUNT - NON-COUNTY EMPLOYEES - FINANCE

Upon recommendation of Tyrone Brooks, Finance Division, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that an Appropriation Transfer from Services and Supplies to Travel and Authorization of Travel for Non-County Employees, be approved and the following account transactions be authorized:

Account	Description	Increase	Decrease
001-15522G-7250	Office Supplies		\$1,000.00
001-15522G-7620	Travel	\$1,000.00	
001-15525G-7383	Training		\$2,500.00
001-15535G-7620	Travel	\$2,500.00	
	Total	\$3,500.00	\$3,500.00

96-232 WATER RIGHTS DEED - KATHLEEN J. STEFANI - GEORGE POORE DEVELOPMENT - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that a Deed for 2.76 acre-feet of water rights from a portion of Permit 53248 between Kathleen J. Stefani as Grantor and Washoe County as Grantee, be approved; that Chairman Bradhurst be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Deed with the County Recorder.

It was noted that this deed is in support of future development by George Poore.

96-233 WATER RIGHTS DEED - ROBERT AND BARBARA NIELSEN THOMAS R. AND PAMELA GRIFFEN - SMITH'S FOOD & DRUG CENTERS, INC.

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 15.59 acre-feet from a portion of Permit 60569 between Robert F. and Barbara P. Nielsen and Thomas R. and Pamela Griffin as Grantors and Washoe County as Grantee be approved; that Chairman Bradhurst 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 this is in support of Smith's Food & Drug Centers, Inc., and other future development.

96-234 WATER RIGHTS DEED- MESSENGER MOLDING, INC. - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 2.5 acre-feet of water rights from a portion of Permit 28076, Certificate 8518, between Messenger Molding, Inc., as Grantor and Washoe County as Grantee, be approved; that Chairman Bradhurst 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 this is being offered in support of their parcel map.

96-235 WATER RIGHTS DEED - STONEFIELD, INC. - GEORGE POORE DEVELOPMENT

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 5.0 acre-feet of water rights from a portion of Permit 53248 between Stonefield, Inc., a Nevada Corporation, as Grantor and Washoe County as Grantee, be approved; that Chairman Bradhurst 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 this is in support of future development by Mr. George Poore.

96-236 GRANT, BARGAIN AND SALE DEED - GEORGE KARADANIS AND ROBERT MALOFF - LEWIS HOMES - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Grant, Bargain and Sale Deed for 60.0 acre-feet of water rights being a portion of Permit 60128 between George Karadanis and Robert Maloff as Grantors and Washoe County as Grantee, be approved; that Chairman Bradhurst be authorized to execute the Grant, Bargain and Sale Deed; and that the Chief Sanitary Engineer be directed to record the Deed with the County Recorder.

It was noted that this is on behalf of Lewis Homes of Nevada.

96-237 DEED OF CORRECTION TO WATER RIGHTS QUITCLAIM DEED - EDWARD D. S. SULLIVAN AND CAROL BAILEY - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Deed of Correction to Water Rights Quitclaim Deed between Edward D. S. Sullivan, as Trustee of the Henry E. and Minnie E. Heidenreich Nevada Trust, and Carol Bailey, individually and as Trustee of the Carol Bailey 1994 Trust, as Grantors and Washoe County as Grantees, be approved; that Chairman Bradhurst be authorized to execute the Deed of Correction to Water Rights Quitclaim Deed; and that the Chief Sanitary Engineer be directed to record the Deed of Correction to Water Rights Quitclaim Deed with the County Recorder.

96-238 APPOINTMENTS - SOCIAL SERVICES ADVISORY BOARD

Upon recommendation of May Shelton, Director, Department of Social Services, Chairman Bradhurst ordered that the appointment of Carolyn Vaught, Pam Russell and Lorraine Wright to the Social Services Advisory Board for two-year terms expiring February 25, 1998, be ratified.

96-239 APPROPRIATION TRANSFERS FROM SIGNAGE STUDY ACCOUNT TO SOUTH VALLEY'S REGIONAL SPORTS COMPLEX AND GALENA CREEK PARK - FINANCE

Upon recommendation of Tyrone Brooks, Finance Division, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that an Appropriation Transfer from Signage Study Account to South Valley's Regional Sports Complex and Galena Creek Park be approved; and that the following account transactions be authorized:

Account	Decrease Description	Amount	Amount
092-920250-7802	Office Furniture & Equip.	\$34,500.00	
Account	Increase Description		
092-92156-7105	Consulting Services		\$20,000.00
092-92157-7105	Consulting Services		\$14,500.00

96-240 SOUTH VALLEY'S REGIONAL SPORTS COMPLEX - COMMUNITY CENTER MASTER PLAN - WORTH GROUP - PARKS

Upon recommendation of Gene Sullivan, Director, Parks and Recreation Department, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Master Plan Agreement between Washoe County and Worth Group in the amount of \$20,000 concerning the South Valley's Regional Sports Complex' Community Center, be approved and Chairman Bradhurst be authorized to execute.

96-241 AGREEMENT - CFA LANDSCAPE ARCHITECTS - SCHEMATIC DESIGN AND MASTER PLANNING - GALENA CREEK PARK

Upon recommendation of Gene Sullivan, Director, Parks and Recreation Department, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that an Agreement between Washoe County and CFA Landscape Architects concerning the development of Schematic Design and Master Planning at Galena Creek Park, be approved in the amount of \$14,500 and Chairman Bradhurst be authorized to execute.

96-242 WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - PAGODA RESTROOM - RANCHO SAN RAFAEL

Upon recommendation of Gene Sullivan, Director, Parks and Recreation Department, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that a Water Sale Agreement between Washoe County and Sierra Pacific Power Company concerning the provision of water to the Pagoda Restroom at Rancho San Rafael Park, be approved and Chairman Bradhurst be authorized to execute.

Chairman Bradhurst referred to previous action taken on this item on November 14, 1995 [Item No. 95-990] in which a tax refund was granted to Caughlin Ranch Homeowners Association and advised that the current request for a refund for Fiscal Year 1994/95 has been recommended for denial by the District Attorney's Office; that it would appear that the circumstances remain the same; and that he would request further clarification as to why the District Attorney's Office has recommended denial of the request.

Assistant District Attorney, Madelyn Shipman, advised that the District Attorney's Office had previously recommended denial of the refund on November 14, 1995; that they are recommending denial of the current request based upon precedent; that the request is for a tax year preceding the enactment of a AB607; that the law had not been changed for the tax year for which this particular application is made; that the Attorney General's Office has been requested by the Department of Taxation to investigate Washoe County and Clark County's practice of utilizing the refund process through the Commission as they feel the current refund process goes beyond or around the laws requiring appeal to the Board of Equalization on valuation; and that they are specifically looking into the Caughlin Ranch refund. Ms. Shipman further advised that when the Board issues a refund, they are issuing a refund of County monies to other entities as they are refunding taxes that have already been distributed to the State and to other taxing districts by general formula; and that she does not know whether the funds are redistributed back into the County.

Chairman Bradhurst stated that he feels a refund would be equitable; that this was the focus of their discussion on November 14, 1995; that Village Green Park is a facility clearly open to the public for use as a park; and that City of Reno park dedication funds were utilized and legislation enacted during the last session that stated that when situations like this occur, even though the property is owned by the private sector, in this case Caughlin Ranch Homeowners Association; they should not be taxed because they cannot sell the property as it dedicated as a park that is open to the public.

Following discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the request for tax refund for Fiscal Year 1994-95 by Caughlin Ranch Homeowners Association be granted due to consistency with previous action, fairness and equity; that the following resolution be adopted and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

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

WHEREAS, Caughlin Ranch Homeowners Association (Taxpayer), made application for the refund of the 1994-1995 real property taxes because Taxpayer maintains that the improvements to its property, APN 041-262-01, which is a neighborhood park, should receive a token value; and

WHEREAS, Caughlin Ranch Homeowners Association has overpaid taxes for fiscal year 1994-1995 in the amount of \$682.47; 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 Caughlin Ranch Homeowners Association a total of \$682.47, that amount being the taxes overpaid by Caughlin Ranch Homeowners Association for the tax year 1994-1995 on APN 041-262-01.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6311, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the request for tax refund for Fiscal Year 1994-95 by Reno Orthopaedic Clinic be granted; that the following resolution be adopted; and that Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

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

WHEREAS, Reno Orthopaedic Clinic (Taxpayer), made application for the refund of the 1994-1995 personal property taxes because the Assessor's Office double-taxed certain personal property, I.D. #2/169-048, and improperly taxed Reno Orthopaedic Clinic for this property; and

WHEREAS, Reno Orthopaedic Clinic has overpaid taxes for fiscal year 1994-1995 in the amount of \$1,482.48; 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 Reno Orthopaedic Clinic a total of \$1,482.48 that amount being the taxes overpaid by Reno Orthopaedic Clinic for the tax year 1994-1995 on I.D. #2/169-048.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

96-245 REFUND OF TAXES - SEARS, ROEBUCK & CO. I.D. # 2/222-001

Based on District Attorney's Opinion No. 6310, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the request by Sears, Roebuck & Co., for refund of taxes paid on Personal Property ID# 2/222-001 for the 1994-95 tax year be denied for the reasons stated in the Decision placed on file with the Clerk.

96-246 REFUND OF TAXES - GEORGE SEIFERT

Deputy District Attorney Madelyn Shipman discussed background information concerning a request for a refund of personal property taxes concerning an aircraft owned by George Sieffert, M.D. She explained that in the case of personal property, that the State allows the Assessor to prorate taxes based upon when the personal property is brought into the State; and that nothing exists in State law providing for proration after the property has been brought into the State.

Chairman Bradhurst explained that Dr. Seifert sold his aircraft on November 1, 1995; that he is being billed for fiscal year 1995/96; and that he is appealing under the contention that he is only obligated to pay taxes from July through October.

Chairman Bradhurst expressed concern that a situation like this could be endless; that once property is brought into the State, it could be assumed that an individual might always own specific personal property; that they may pay taxes on it until someone is made aware that the property has been sold; that if it were sold it in the middle of a fiscal year, that they are taxed for the entire fiscal year because the personal property is considered migratory property; and that this does not seem equitable to him.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman

Bradhurst ordered that this item be continued to April 9, 1996.

96-247 REFUND OF TAXES - THE SOUTHLAND CORPORATION - I.D. NOS. 2/203-008, 2/203-011, 2/203-049, 2/203-072 2/203-075, 2/203-114, 2/203-132, 2/203-134 and 2/203-137

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6312, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the request for tax refund for Fiscal Year 1994-95 by The Southland Corporation be granted; that the following resolution be adopted and that Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

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

WHEREAS, The Southland Corporation (Taxpayer), made application for the refund of the 1994-1995 personal property taxes because, as a result of a reporting error by Taxpayer, the Assessor's Office over-assessed the Taxpayer's property, I.D. Numbers 2/203-008, 2/203-011, 2/203-049, 2/203-072, 2/203-075, 2/203-114, 2/203-132, 2/203-134 and 2/203-137; and

WHEREAS, The Southland Corporation has overpaid taxes for fiscal year 1994-1995 in the amount of \$1,278.87; 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 Southland Corporation a total of \$1,278.87, that amount being the taxes overpaid by The Southland Corporation for the tax year 1994-1995 on I.D. Numbers 2/203-008, 2/203-011, 2/203-049, 2/203-072, 2/203-075, 2/203-114, 2/203-132, 2/203-132, 2/203-134 and 2/203-137.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

96-248 AMENDMENT NO. 1 - AGREEMENT - CITIES OF RENO AND SPARKS - CAROLLO ENGINEERS - REGIONAL WASTE- WATER FACILITY MASTER PLAN

David Roundtree, Regional Water Manager, reviewed a staff report concerning Amendment No. 1 to an Agreement between Washoe County, the City of Reno, the City of Sparks and Carollo Engineers regarding the Regional Wastewater Facilities Master Plan. He explained that the Agreement calls for the parties to jointly engage a qualified financial consultant to evaluate financial implications of various facility alternatives and to determine user rate impacts of their recommendations; and that the Reno-Sparks Sewer Coordinating Committee has recommended that Carollo Engineers perform the scope of work for this financial analysis.

Commissioner Mouliot stated that he is opposed to the amendment as he feels the engineering services could be performed in-house.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, with Commissioner Mouliot voting "no," it was ordered that Amendment No. 1 to the Agreement between Washoe County, the City of Reno, the City of Sparks, and Carollo Engineers regarding Regional Wastewater Facilities Master Plan, be approved and Chairman Bradhurst be authorized to execute.

It was noted that the cost of the proposed financial analysis is \$97,255; and that Washoe County's one-third share is \$32,419.

96-249 WATER SERVICE AGREEMENT - SIERRA PACIFIC POWER COMPANY

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that this item be continued to March 26, 1996.

COMMUNICATIONS AND REPORTS

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

Communications

96-250 A. From Gary Goelitz, Senior Administrative Analyst, Background, Discussion, and Conclusion concerning the non-supplanting requirements of the COPS Universal Grant as requested by the Board at their meeting of January 23, 1996.

B. From the Dept. of Conservation and Natural Resources, Division of State Lands, a copy of the minutes of the January 31, 1996 meeting of the State Land Use Planning Advisory Council.

C. From the attorneys for Sierra Pacific Power Company, in the Matter of the Application of Sierra Pacific Power Company for a Certificate of Public Convenience and Necessity to Construct and Operate the Alturas Transmission Line Project, their response to the Application for Rehearing.

D. From the State of Nevada Department of Transportation original copies of documents containing special provisions, proposal, contract and bond, which were forwarded to the Department of Public Works, on the following projects:

- 1. Contract No. 2674, Project No. SPI-580-1(5), on I-580 near South Virginia Street Interchange in Reno and on I-580 Structures H-1798 at South McCarran Boulevard and I-1799 at South Virginia Street in Reno, Washoe County, Granite Construction Company, Contractor.
- 2. Contract No. 2732, Project No. STP-191(36), on Plumas Street from Moana Lane to Glenda Way in Reno and on Stead Boulevard from Sagewood Drive to Rocky Mountain in Reno, Washoe County, T. E. Bertagnoli Associates, Contractor.
- 3. Contract No. 2733, Project No. STP-650(10), on McCarran Boulevard, from Prater Way to Baring Boulevard in Sparks, Washoe County, Anchor Concrete, Contractor.

E. From the Gerlach General Improvement District, notification that March 5, 1996 Dan S. Burgoyne was appointed to fill the position vacated by Dan Deveny on the Gerlach General Improvement District Board of Trustees to a term ending this year.

96-251 Reports for the month of January, 1996

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Social Services
- E. Sheriff's Detention Bureau

96-252 Quarterly Reports

- A. Washoe County, Oct., Nov., Dec., 1995
- B. Washoe County School District, Oct., Nov., Dec., 1995

* * * * *

There being no further business to come before the Board, the meeting adjourned at 11:20 a.m.

STEPHEN T. BRADHURST, CHAIRMAN
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk