

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. AUGUST 19, 1997

PRESENT:

Grant Sims, Chairman
Joanne Bond, Vice Chairman
Jim Galloway, Commissioner
Mike Mouliot, Commissioner
Jim Shaw, Commissioner [arr. @ 9:25 a.m.]

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 East 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:

97-827 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the agenda for the August 19, 1997, meeting be approved with the following amendment: Delete Item 9.B.(4) - a recommendation concerning construction of Sierra Sage Golf Course maintenance building. It was noted that a duly noticed addendum to the agenda had been issued to add Item 23, possible direction to staff and update on Burning Man Festival, which item is scheduled to be heard at 10:00 a.m.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the minutes of the regular meeting of July 22, 1997, be approved.

97-828 RESOLUTION OF APPRECIATION AND PROCLAMATION - PAT WALSH DAY - PARKS

Upon recommendation of Karen Mullen, Assistant Director, Parks and Recreation Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and that August 21, 1997, be proclaimed as "Pat Walsh Day" in recognition of her volunteer spirit and support of the Discovery Room at Rancho San Rafael Park:

RESOLUTION OF APPRECIATION

WHEREAS, Pat Walsh has been an active member of the Discovery Room Board since May, 1988; and

WHEREAS, Pat Walsh has served as the Volunteer Coordinator, recruiting, scheduling and training hundreds of volunteers over the years; and

WHEREAS, Pat Walsh has participated in three fund raising efforts each year, serving as chair on many of them; and

WHEREAS, Pat Walsh instigated the doubling in size of the Discovery Room and designed the expanded exhibit space; and

WHEREAS, Pat Walsh volunteered to coordinate all the volunteers for the Discovery Room and the Wilbur D. May Center's largest spring exhibits: Rainforest, BackYard Monsters, Whales and Carnosaurs; and

WHEREAS, Pat Walsh has unselfishly volunteered thousands of hours of personal time over the last ten years to the Washoe County Parks and Recreation Department; and

WHEREAS, Pat Walsh has dedicated her time and energy to educating the children of Washoe County about the Great Basin; now therefore, be it

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, that the Board extends its thanks and appreciation to Pat Walsh for her dedicated service to the Washoe County Parks and Recreation Department; and be it further

RESOLVED, that the Board of County Commissioners extends its admiration to Pat Walsh by proclaiming August 21, 1997 as "Pat Walsh Day" and extends its best wishes.

97-829 ACCEPTANCE OF RIGHT-OF-WAY - COPPERFIELD DRIVE - NEVADA DIVISION OF FORESTRY - PUBLIC WORKS

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the right-of-way for Copperfield Drive and the contribution from the Nevada Division of Forestry to facilitate the roadway improvements be accepted.

97-830 RESOLUTIONS (two) - REQUESTING ATTORNEY GENERAL ASSISTANCE IN PROSECUTION OF A CRIMINAL MATTER

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following two resolutions be adopted and Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION Requesting the assistance of the Attorney General in the prosecution of a certain criminal matter.

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's office has recently received a request to charge out and prosecute a murder case; and

WHEREAS, the defendant is related to one of the employees in the Washoe County District Attorney's office; and

WHEREAS, if the Washoe County District Attorney's office proceeds there would likely arise at some point the question of a conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal prosecution relating to RPD File No. 182023-97 (DA file number not yet assigned) involving the charge of murder.

2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

* * * * *

RESOLUTION Requesting the assistance of the Attorney General in the prosecution of a certain criminal matter.

WHEREAS, the Office of the District Attorney is responsible for the prosecution of criminal offenses which have occurred within the County of Washoe; and

WHEREAS, the District Attorney's office has recently had submitted to it RPD Case No. 136232-97 wherein it is alleged that tenants have damaged a house and stole property not belonging to them; and

WHEREAS, the victim in this case is an employee of the Office of District Attorney; and

WHEREAS, if the Washoe County District Attorney's office either proceeds or decides to not proceed with the prosecution of the defendant, there may be some suggestion of impropriety or conflict of interest; and

WHEREAS, it is essential in our judicial system that the conduct of the prosecutor remain free of any appearance of conflict of interest or impropriety.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

1. That in accordance with the provisions of NRS 228.130 the Nevada Attorney General is hereby requested to assume complete responsibility for the handling of the criminal prosecution relating to RPD File No. 136232-97 relating to damages done by and property stolen by certain individuals.
2. That should the Attorney General agree to assume responsibility for the handling of the aforementioned case, the Comptroller of Washoe County will, upon submission of a duly verified claim, pay from the general fund of Washoe County all expenses that the Attorney General incurs in the prosecution of said case.

97-831 RESOLUTION ADOPTING AMENDED NORTH VALLEYS AREA PLAN - COMPREHENSIVE PLAN AMENDMENT CASE NUMBER CPA97-NV-2

Upon recommendation of Catherine McCarthy, Department of Community Development who was present and responded to questions from the Board, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION

ADOPTING THE AMENDED NORTH VALLEYS AREA PLAN (CPA97-NV-2) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the NORTH VALLEYS AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public

health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the NORTH VALLEYS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the NORTH VALLEYS AREA PLAN being held on June 10, 1997, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the NORTH VALLEYS AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the NORTH VALLEYS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the NORTH VALLEYS AREA PLAN being held on July 23, 1997, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the NORTH VALLEYS AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended NORTH VALLEYS AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

97-832 BUDGET AMENDMENT - FY 1997/98 AIDS PROGRAM - HEALTH

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that an amendment to the District Health Department Fiscal Year 1997/98 Aids Program budget be approved and that the following account transactions be authorized:

| Account Number | Description | Amount Inc/(Dec) |
|----------------------|-----------------------|------------------|
| 002-1700-1712G3-7140 | Professional Services | \$3,040.00 |
| -7230 | Educational Supplies | (\$1,280.00) |
| -7250 | Office Supplies | (\$60.00) |
| -7261 | Postage/Express | (\$120.00) |
| -7357 | Printing | (\$180.00) |
| -7382 | Telephone | (\$300.00) |
| -7620 | Travel | (\$1,100.00) |

97-833 BUDGET AMENDMENT - FY 1997/98 IMMUNIZATION PROGRAM - HEALTH

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that an amendment to the District Health Department Fiscal Year 1997/98 Immunization Program budget be approved and the following account transactions be authorized:

| Account Number | Description | Amount Increase |
|----------------------|-----------------------|-----------------|
| 002-1700-1735G1-4301 | Federal Contributions | \$38,508.00 |
| 002-1700-1735G3-4301 | Federal Contributions | 1,175.00 |
| | TOTAL | \$39,683.00 |
| 002-1700-1735G1-7002 | Part Time/Temporary | \$10,611.00 |
| -70021 | Pooled Positions | 5,753.00 |
| -1735G3-7003 | Overtime | 1,175.00 |
| -1735G1-7048 | Retirement | 1,990.00 |
| -7050 | Medicare | 154.00 |
| -7140 | Professional Services | 1,000.00 |
| -7204 | Audio Visual | 500.00 |
| -7205 | Minor Furniture | 2,000.00 |
| -72051 | Personal Computers | 7,000.00 |
| -7245 | High Risk | 2,500.00 |
| -7307 | Auto Expense | 2,000.00 |
| -7320 | Educational Materials | 2,000.00 |
| -7322 | Copy Machine Expense | 1,000.00 |
| -7357 | Printing | 2,000.00 |
| -7382 | Telephone | 2,000.00 |
| | TOTAL | \$39,683.00 |

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that an amendment to the District Health Department Fiscal Year 1997/98 Maternal and Child Health Program budget be approved and the following account transactions be authorized:

| Account Number | Description | Amount of Increase |
|----------------------|----------------------------|--------------------|
| 002-1700-1705G5-5608 | Services to Other Agencies | \$7,000.00 |
| 002-1700-1705G5-7002 | Part Time/Temporary | \$4,982.00 |
| -7048 | Retirement | 890.00 |
| -7050 | Medicare | 69.00 |
| -7230 | Educational Materials | 1,059.00 |
| | Total | \$7,000.00 |

97-835 BUDGET AMENDMENT - FY 1997/98 TUBERCULOSIS ELIMINATION PROGRAM - HEALTH

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that an amendment to the District Health Department Fiscal Year 1997/98 Tuberculosis Elimination Program budget be approved and the following account transactions be authorized:

| Account Number | Description | Amount of Increase |
|----------------------|---------------------|--------------------|
| 002-1700-1714G4-4302 | State Contributions | \$30,000.00 |
| 002-1700-1714G4-7002 | Part Time/Temporary | \$19,880.00 |
| -7003 | Overtime | 845.00 |
| -7048 | Retirement | 1,125.00 |
| -7049 | Social Security | 862.00 |
| -7050 | Medicare | 288.00 |
| -7250 | Office Supplies | 2,000.00 |
| -7375 | Special Awards | 5,000.00 |
| | Total | \$30,000.00 |

97-836 BUDGET AMENDMENT - FY 1997/98 UNDERGROUND STORAGE TANK PROGRAM - HEALTH

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that an amendment to the District Health Department Fiscal Year 1997/98 Underground

Storage Tank Program budget be approved and the following account transactions be authorized:

| Account Number | Description | Amount of Increase |
|----------------------|---------------|--------------------|
| 002-1700-1726G1-4301 | Federal Funds | \$1,585.00 |
| 002-1700-1726G1-7620 | Travel | \$1,585.00 |

97-837 WATER RIGHTS DEED - BRADDOCK AND LOGAN GROUP - GALENA TERRACE, UNIT 7

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding dedication of water rights in accordance with the Washoe County Code in support of Galena Terrace, Unit 7:

1. The Water Rights Deed between Braddock and Logan Group, as Grantor, and Washoe County, as Grantee, for 35.0 acre feet of water rights being a portion of Permit 53248, be approved; Chairman Sims be authorized to execute; and the Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

97-838 WATER RIGHTS DEED - HUGH H. CHATHAM - VERDI BUSINESS PARK

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding dedication of water rights in accordance with the Washoe County Code in support of commercial development in Verdi Business Park:

1. The Water Rights Deed for 0.8 million gallons annually of water rights being a portion of Permit 39291 between Hugh H. Chatham as Grantor and Washoe County as Grantee be approved; Chairman Sims be authorized to execute; and the Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

97-839 WATER RIGHTS DEED - EASTERN PACIFIC DEVELOPMENT COMPANY, INC. - STATEN PARCEL MAP

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding dedication of water rights in accordance with the Washoe County Code in support of Jack Staten's parcel map creating three new parcels within Washoe Valley, APN 055-180-04:

1. The Water Rights Deed for 6.06 acre-feet of water rights being a portion of Permit 56742, Certificate 14187, between Eastern Pacific Development Company, Inc., as Grantor and Washoe County as Grantee be approved; Chairman Sims be authorized to execute; and the Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

97-840 WATER RIGHTS DEED - HAWCO INVESTMENT AND DEVELOPMENT COMPANY, INC.

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding dedication of water rights in accordance with the Washoe County Code in support of future development:

1. The Water Rights Deed for 84.34 acre-feet of surface water rights being a portion of Claim 485 and 489, as changed by application 63209, between Hawco Investment and Development Company, Inc., as Grantor and Washoe County as Grantee be approved; Chairman Sims be authorized to execute; and the Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

97-841 WATER RIGHTS DEED AND WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - QUON PARCEL MAP

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken regarding dedication of water rights in accordance

with the Washoe County Code in support of the Chu Eng Quon Parcel Map, APN 035-120-18:

1. The Water Rights Deed between Sierra Pacific Power Company, as Grantor, and Washoe County, as Grantee, for 1.90 acre feet of surface water rights being a portion of Claim 100, be approved and Chairman Sims be authorized to execute;
2. The Water Sale Agreement between Sierra Pacific Power Company and Washoe County be approved and Chairman Sims be authorized to execute; and
3. The Utility Services Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

97-842 RFP 2003-97 - PROFESSIONAL SERVICES AGREEMENT FOR DEVELOPING SPECIFICATIONS AND ACQUIRING 800 MHZ TRUNKED RADIO SYSTEM - WARNER GROUP

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 May 9, 1997, for the provision of consulting services concerning an 800 MHz Radio System. Proof was made that due and legal Notice had been given.

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the proposal of the Warner Group resulting from RFP 2003-97 be accepted and that Chairman Sims be authorized to execute a Professional Services Agreement between Washoe County and Warner Group concerning completion of development of specifications for acquisition of an 800 MHz Trunked Radio System.

97-843 AWARD OF BID - 58,000 GVWR TRUCKS WITH DUMP SPREADER BODIES AND FRONT MOUNTED SNOWPLOWS - BID NO. 2016-98 - EQUIPMENT SERVICES DIVISION

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on July 7, 1997, for five 58,000# GVWR trucks with dump spreader bodies and front mounted snowplows for the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

Silver State International Trucks submitted the only bid, a copy of which was placed on file with the Clerk. Jordans Truck & Trailer Equipment and Winkel Motors DBA Sierra Freightliner submitted "no-bid" responses and nine prospective bidders failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Bid No. 2016-98 for five 58,000# GVWR trucks with dump spreader bodies and front mounted snowplows for the Equipment Services Division of the General Services Department be awarded to Silver State International Trucks in the net amount of \$502,837.50 as follows, contingent upon approval of a resolution authorizing medium term financing and subsequent approval from the State of Nevada Department of Taxation.

| | | |
|-------------------|------------------|--------------|
| Bid Item #1 @ | \$100,252.50/ea. | \$501,262.50 |
| Cat C-12 Engine @ | \$315.00/ea. | 1,575.00 |
| Everest Package | | \$502,837.50 |
| | Total | |

Delivery is 180 Days ARO

It was further ordered that the Purchasing and Contracts Administrator be authorized to conduct a bid for medium term financing package to fund the purchase of this and other approved fleet heavy equipment.

97-844 AWARD OF BID - NEW TRUCK-MOUNTED COMBINATION JET/VACUUM UNIT - BID NO. 2017-98 - EQUIPMENT SERVICES DIVISION

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno

Gazette-Journal on July 7, 1997, for a new truck-mounted combination jet/vacuum unit for the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

- Municipal Maintenance Equipment
- GCS Western Power & Equipment
- Winkel Motors DBA Sierra Freightliner
- Silver State International Trucks
- Southern Nevada Equipment Company

Kelly Equipment submitted a "no-bid" response; and 4 prospective bidders failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Bid No. 2017-98 for a new truck mounted combination jet/vacuum unit for the Equipment Services Division of the General Services Department be awarded to Municipal Maintenance Equipment, Inc., in the base bid amount of \$131,675.00 plus optional equipment offered in addition to the base bid in the amount of \$13,725.00 for a total cost of \$145,400.00, contingent upon approval of a resolution authorizing medium term financing and subsequent approval from the State of Nevada Department of Taxation.

It was further ordered that the Purchasing and Contracts Administrator be authorized to conduct a bid for medium term financing package to fund the purchase of this and other approved fleet heavy equipment.

It was noted that the optional equipment includes a hydrostatic blower drive (\$5,600), curb side pivot 180 degrees articulating reel with hydraulic planetary foot for stability (\$7,650), and the air purge system for the water system (\$475), is intended to be used primarily for storm drain and emergency sewer cleaning operations, and will enhance operations, performance and safety of the equipment.

97-845 AWARD OF BID - FLEET EQUIPMENT/WHEELED EXCAVATORS AND BACKHOE LOADER - BID NO. 2019-98 - EQUIPMENT SERVICES DIVISION

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on July 7, 1997, for fleet equipment--wheeled excavators and backhoe loader for the Equipment Services Division of the General Services Department. Proof was made that due and legal Notice had been given.

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

- Cashman Equipment Company
- Empire Equipment Company (Item # 2 only)

Rocky Mountain Machinery and Western Traction Company submitted "no-bid" responses; GCS/Western Power & Equipment submitted an incomplete bid response and was disqualified; and Arnold Machinery Company Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Bid No. 2019-98 for fleet equipment--two wheeled excavators and one backhoe loader for the Equipment Services Division of the General Services Department be awarded on a total cost basis and in the following manner contingent upon approval of a resolution authorizing medium term financing and subsequent approval from the State of Nevada Department of Taxation.

| | | |
|---------------------------|--------------------|-----------|
| Bid Item #1 | Wheeled Excavators | Cat M318: |
| Cashman Equipment Company | | |

| | | |
|--------------------------|--------------------|--------------------|
| Initial Acquisition Cost | \$173,339.77/ea. = | \$346,679.54 total |
| Guaranteed Buy-Back | \$ 55,000.00/ea. = | \$110,000.00 total |
| Total Cost | \$118,339.77/ea. = | \$236,679.54 total |
| Bid Item #2 | Backhoe Loader | John Deere 410E |
| Empire Equipment Company | | |
| Initial Acquisition Cost | | \$ 67,927.00 total |
| Guaranteed Buy-Back | | \$ 34,000.00 total |
| Total Cost | | \$ 33,927.00 total |

It was further ordered that the Purchasing and Contracts Administrator be authorized to conduct a bid for medium term financing package to fund the purchase of this and other approved fleet heavy equipment.

It was noted that under the terms of this award the successful bidders will provide the County with the new fleet equipment for a total capital outlay of \$414,606.54 and provide a 60-month extended power train warranty on the excavators and a 60-month warranty on all major components of the backhoe and will further provide performance bonds guaranteeing to buy-back the equipment from the County at the end of 5 years for a total of \$144,000.00, resulting in a net total cost to the County of \$270,606.54.

97-846 RODEO CREEK ROAD - ACCEPTANCE OF BLM RIGHT-OF-WAY GRANT - PUBLIC WORKS DEPARTMENT

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Bureau of Land Management Right-of-Way Grant #N-60993 concerning a 100-foot roadway easement for Rodeo Creek Road be accepted and Chairman Sims be authorized to execute.

97-847 AGREEMENT - EMPIRE GROUP, LLC - MAINTENANCE OF RODEO CREEK ROAD - PUBLIC WORKS DEPARTMENT

Upon recommendation of Dave Roundtree, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that a Road Base Work Agreement between Washoe County and Empire Group, LLC, concerning maintenance of Rodeo Creek Road be approved and Chairman Sims be authorized to execute on behalf of Washoe County.

97-848 TERMINATION OF AGREEMENT - PROGRESSIVE SOLUTIONS, INC. (PSI) - PUBLIC DEFENDER

Upon recommendation of Mike Specchio, Public Defender, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Washoe County Public Defender be authorized to terminate the agreement entered into with PSI (Progressive Solutions, Inc.) on September 26, 1995, and to execute any and all documents necessary to effectuate such termination.

97-849 INTERIM AGREEMENT - SIERRA PACIFIC POWER COMPANY - EXCHANGE OF WATER - HIDDEN VALLEY WATER SYSTEM

Pursuant to questions at Caucus, Mr. Collins distributed additional information regarding Sierra Pacific's wholesale water rates and Mr. MacIntyre noted that they are in accordance with Public Service Commission tariff rates. Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an Interim Agreement between Washoe County and Sierra Pacific Power Company concerning exchange of water for the Hidden Valley Water System be approved and Chairman Sims be authorized to execute on behalf of Washoe County.

97-850 AGREEMENT - DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY - NCJIS - RENO JUSTICE COURT

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an agreement between Washoe County (Reno Township Justice Court) and the Department of Motor Vehicles and Public Safety (Criminal Information Services), for access to the Nevada Criminal Justice

Information System (NCJIS) concerning automated exchange of criminal justice and public safety information be approved and Chairman Sims be authorized to execute.

97-851 AGREEMENT - IGT - LEASE OF OFFICE/WAREHOUSE SPACE - DEPARTMENT OF WATER RESOURCES

Upon recommendation of Bud Fujii, General Services Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that a sublease agreement between Washoe County (sublessee) and IGT, a wholly owned subsidiary of International Game Technology, Inc., (sublessor), concerning lease of fully remodeled and improved office/warehouse space at 4930 Energy Way for relocation and operation of the Department of Water Resources for a 60-month period, contingent upon final acceptance of tenant improvements, commencing on or about December 1, 1997, and terminating November 30, 2002, be approved and Chairman Sims be authorized to execute on behalf of Washoe County.

97-852 RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT - DISTRICT ATTORNEY INVESTIGATORS' ASSOCIATION

Upon recommendation of Howard Reynolds, Assistant County Manager, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the amendments to the collective bargaining agreement with the Washoe County District Attorney Investigator's Association for fiscal year 1996-97, as outlined in Mr. Reynolds' agenda memorandum dated August 8, 1997 and placed on file with the Clerk, be ratified.

97-853 BILL NO. 1165 - AMENDING WCC CHAPTER 65 - ESTABLISHES PENALTIES FOR DELINQUENT PAYMENT FROM TELEPHONE COMPANIES AND SUPPLIERS

Bill No. 1165, entitled, "AN ORDINANCE AMENDING CHAPTER 65 OF THE WASHOE COUNTY CODE PROVIDING FOR THE ESTABLISHMENT OF A SCHEDULE OF PENALTIES FOR DELINQUENT PAYMENT OF AMOUNTS DUE FROM TELEPHONE COMPANIES AND SUPPLIERS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Bond the title read to the Board and legal notice for final action of adoption directed.

97-854 BILL NO. 1166 - ORDINANCE NO. 991 - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION GOLF COURSE BONDS SERIES 1997

In response to Board questions, Katy Simon, Assistant County Manager, advised that by doing both bonds at the same time (see next item also) the County will experience some economy of scale by reduced issuance costs. County Manager John MacIntyre stated that bond ordinances are typically adopted in this manner.

Following the introduction of Bill No. 1166 by Commissioner Bond, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Ordinance No. 991, Bill No. 1166, entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA OF ITS NEGOTIABLE "WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) (ADDITIONALLY SECURED BY PLEDGED REVENUES) GOLF COURSE BONDS SERIES 1997," FOR THE PURPOSE OF FINANCING GOLF COURSE FACILITIES OF THE COUNTY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS; SECURING THEIR PAYMENT BY A PLEDGE OF THE NET REVENUES OF THE GOLF COURSE FACILITIES TO BE FINANCED WITH THE PROCEEDS OF THE BONDS; PROVIDING OTHER MATTERS RELATING THERETO; PROVIDING FOR ADOPTION AS IF AN EMERGENCY NOW EXISTS." be approved, adopted and published in accordance with NRS 244.100.

97-855 BILL NO. 1167 - ORDINANCE NO. 992 - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION SEWER BOND SERIES 1997

In response to Board questions, Katy Simon, Assistant County Manager, advised that by doing both bonds at the same time (see previous item also) the County will experience some economy of scale by reduced issuance costs. County Manager John MacIntyre stated that bond ordinances are typically adopted in this manner.

Following the introduction of Bill No. 1167 by Commissioner Bond, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Ordinance No. 992, Bill No. 1167, entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (TRUCKEE RIVER WATER QUALITY SETTLEMENT) (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 1997 FOR THE PURPOSE OF FINANCING SEWER PROJECTS FOR THE COUNTY; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING OTHER MATTERS RELATING THERETO." be approved, adopted and published in

accordance with NRS 244.100.

97-856 REFUND OF TAXES - JOHN A. DIFRANCESCO TR., ET AL

Pursuant to questions at Caucus, Madelyn Shipman, Assistant District Attorney, advised that the late penalty paid by the taxpayer was not included in the refund calculation and that if the Board does want to refund that amount also, the resolution will need to be amended. Commissioner Bond stated it is her feeling that the penalty should also be refunded. Commissioner Shaw concurred.

In accordance with District Attorney Opinion No. 6346, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following amended resolution be adopted and Chairman Sims 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, John A. Difrancesco Tr., et al, (Taxpayer) made application for the refund of 1996-1997 real property taxes because a portion of Taxpayer's property, APN 012-272-10, was damaged by a flood occurring on January 1, 1997; and

WHEREAS, John A. Difrancesco Tr., et al, has overpaid taxes for fiscal year 1996-1997 in the amount of \$3,087.62 and paid a penalty in the amount of \$96.04; 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. The Treasurer of Washoe County be and hereby is authorized and directed to refund to John A. Difrancesco Tr., et al, a total of \$3,183.66, that amount being the taxes overpaid and penalty paid by John A. Difrancesco Tr., et al, for the tax year 1996-1997 on APN 012-272-10.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity who has shared in the excess of the taxes collected in error for their pro rata share of the refund.

97-857 REQUEST FOR REFUND OF TAXES - HOWARD & PHIL'S WESTERN WEAR

In accordance with District Attorney Opinion No. 6348, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the request for refund of taxes on personal property by Howard & Phil's Western Wear, I.D. #2/243-086 for fiscal year 1996-1997, be denied.

97-858 REFUND OF TAXES - I. MARSHALL POSTMAN TRUST

Pursuant to District Attorney Opinion No. 6347, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Sims 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, I. Marshall Postman Trust (Taxpayer) made application for the refund of 1996-1997 real property taxes because the Taxpayer's property, APN 009-132-09, was partially destroyed; and

WHEREAS, I. Marshall Postman Trust has overpaid taxes for fiscal year 1996-1997 in the amount of \$524.53; 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. The Treasurer of Washoe County be and hereby is authorized and directed to refund to I. Marshall Postman Trust a total of \$524.53, that amount being the taxes overpaid by I. Marshall Postman Trust for the tax year 1996-1997 on APN 009-132-09.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity who has shared in the excess of the taxes collected in error for their pro rata share of the refund.

97-859 REFUND OF TAXES - UNITED WAY OF NORTHERN NEVADA AND THE SIERRA, INC.

Pursuant to District Attorney Opinion No. 6349, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Sims 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, United Way of Northern Nevada and The Sierra, Inc. (Taxpayer) made application for the refund of 1996-1997 real property taxes because the Taxpayer's property, APN 012-142-14, was tax exempt; and

WHEREAS, United Way of Northern Nevada and The Sierra, Inc. has overpaid taxes for fiscal year 1996-1997 in the amount of \$3,360.14; 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. The Treasurer of Washoe County be and hereby is authorized and directed to refund to United Way of Northern Nevada and The Sierra, Inc. a total of \$3,360.14, that amount being the taxes overpaid by United Way of Northern Nevada and The Sierra, Inc. for the tax year 1996-1997 on APN 012-142-14.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity who has shared in the excess of the taxes collected in error for their pro rata share of the refund.

97-860 CORRECTION OF FACTUAL ERRORS - 1996/97 AND 1997/98 SECURED TAX ROLLS AND 1996/97 UNSECURED ROLL

Following discussion and Board questions which were answered by Assessor's staff members John Faulkner and Mary Chambers, upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Sims be authorized to execute on behalf of the Commission.

Vista Distribution Center, Inc.

Parcel No. 037-251-16

(1996/97 Secured Roll)

Dade Microscan

A.P.N. #2191204

(1996/97 Unsecured Roll)

| | | |
|--|-----------------------|-------------------------|
| Jon & Shirley Myrick | Parcel No. 003-390-03 | (1997/98 Secured Roll) |
| Joseph W. Pacheco, Sr. | Parcel No. 004-392-54 | (1997/98 Secured Roll) |
| Mitsuo & D. Marlene Shintaku | Parcel No. 004-393-65 | (1997/98 Secured Roll) |
| William S. & Roberta L. Shepard | Parcel No. 004-393-66 | (1997/98 Secured Roll) |
| Marian Van Degrift | Parcel No. 004-393-80 | (1997/98 Secured Roll) |
| Laurie E. McNulty | Parcel No. 014-045-15 | (1997/98 Secured Roll) |
| Charles Reider, et al. | Parcel No. 016-473-10 | (1997/98 Secured Roll) |
| Amelia R. Alfaro | Parcel No. 031-123-34 | (1997/98 Secured Roll) |
| John Shaw Field Foundation, et al. | Parcel No. 49-300-54 | (1997/98 Secured Roll) |
| Laurie Laguna | Parcel No. 079-381-19 | (1997/98 Secured Roll) |
| Evelyn M. Pearce, Tr. | Parcel No. 123-161-25 | (1996/97 Secured Roll) |
| Sierra Bouquet II | Parcel No. 130-390-01 | (1997/98 Secured Roll) |
| Sierra Bouquet II | Parcel No. 130-390-02 | (1997/98 Secured Roll) |
| Sierra Bouquet II | Parcel No. 130-390-03 | (1997/98 Secured Roll) |
| Sierra Bouquet II | Parcel No. 130-390-04 | (1997/98 Secured Roll) |
| Sierra Bouquet II | Parcel No. 130-390-05 | (1997/98 Secured Roll) |
| Sierra Bouquet II | Parcel No. 130-390-06 | (1997/98 Secured Roll) |
| Dickie W. & Marilyn C. Bottom | Parcel No. 150-072-04 | (1997/98 Secured Roll) |
| International Community of Christ Church | Parcel No. 216-040-05 | (1997/98 Secured) |
| Lifestyle Homes, Inc. | Parcel No. 504-660-10 | (1997/98 Secured Roll) |
| Frank Stella, Jr. | Parcel No. 522-122-10 | (1997/98 Secured Roll) |
| Frank Stella, Jr. | Parcel No. 522-122-11 | (1997/98 Secured Roll) |
| Timothy D. & Joy P. Master | Parcel No. 522-161-20 | (1997/98 Secured Roll) |
| Maryanne E. Decker | Parcel No. 522-161-21 | (1997/98 Secured Roll) |
| Loeb Enterprises, Ltd. Liability Co. | Parcel No. 522-161-22 | (1997/98 Secured Roll) |
| Doris T. Lee, Tr. | Parcel No. 089-352-10 | (1997/98 Secured Roll) |
| Sierra Bouquet III | Parcel No. 130-203-05 | (1997/98 Secured Roll) |
| Guy L. and Linda A. Burge, Jr. | Parcel No. 131-228-02 | (1997/98 Secured Roll) |
| Marcus E. & Shelby A. Waltz | Parcel No. 011-242-17 | (1997/998 Secured Roll) |
| Dorothy G. Young | Parcel No. 013-184-11 | (1997/98 Secured Roll) |
| LLT & T. Hall Family LP | Parcel No. 015-292-04 | (1997/98 Secured Roll) |
| W.B. McDonald | Parcel No. 082-270-01 | (1997/98 Secured Roll) |

97-861 BURNING MAN 97 OUTDOOR FESTIVAL PERMIT - STATUS REPORT

10:00 a.m. This was the time set in a properly noticed addendum to the agenda for the Board to receive an update on the status of compliance with the conditions established for the outdoor festival permit requested by Burning Man 97 LLC and, accordingly, to provide direction to staff.

Dean Diederich, Department of Community Development, presented the status report concerning the special use permit approved by the

Board of Adjustment for grading the site, reporting that, except for Condition No. 5 concerning the fuel breaks and fuel modification, all required plans have been submitted, but not all of the actual physical improvements have been completed.

Rik Kajans, Assistant Chief, Truckee Meadows Fire Protection District, elaborated on the current status of the required fuel breaks, fencing, signage, etc., and played a video tape that he had taken earlier this date of the site. He described how the fuel breaks are in place, but still need more work; how the fencing is partially completed; and stated that the applicant has been making a substantial effort to comply; that there is more to be done; and that he believes they will be able to complete the requirements if they keep up their current efforts.

Sheriff Richard Kirkland reported that the conditions requested by his department have been met with only a couple of exceptions which he believes will be completed as the event organizers have been making what he feels is a very sincere effort to comply with all conditions.

Dave Rice, District Health Officer, stated that his staff will be on site during the entire event to protect the public's health; that they have inspected the site and will do so again after the event; and that they are confident that conditions pertaining to the areas the Health Department oversees will be met. In response to Board questions, Mr. Rice explained that special events, such as this one, the Balloon Races, the Air Races, etc., cannot really be completely done ahead of time; that the sani-huts won't be there a week before the event starts; that the food facilities will not be there in advance and so on; that his staff is used to dealing with these events on that basis; and that staff is always present during the actual events to make sure the Health Department regulations and permit conditions are complied with.

Jim Gubbels, Vice President, REMSA, stated that they are planning to provide ambulance service for the event providing they receive half of their estimated costs prior to the event and the balance on Saturday. In response to Commissioner Bond, he advised that their estimated cost for providing 2 ambulances and 4 ALS capable units is \$26,000; and that, to date, they have not received any money, but have been told that a \$13,000 check was mailed Monday, August 18, 1997. Mr. Gubbels emphasized that without advance payment, REMSA will not provide service.

Richard Gammick, Washoe County District Attorney, advised the Board that Gerlach Justice of the Peace Thomas is planning to establish a court during the event in the hopes of taking care of citations, fines, etc., on the spot, which is a plan that he supports as that would lessen impacts on the courts and the jail.

John Young, Risk Management Division, reported that it is his understanding that insurance is available that does meet the County's requirements; that the Burning Man people have received a price quote on that insurance; but that the insurance is not in place yet because the premium has not been paid. In response to Commissioner Galloway, Mr. Young explained that this is not the Letter of Credit or performance bond the Board requested, but is the general liability insurance policy that provides \$10-million coverage in case of accidents or injuries at the event plus \$1-million worth of fire suppression coverage in case there is a fire and air tankers, etc., have to be called in. Will Roger, Comptroller, Burning Man 97 LLC, stated that they have every intention of paying for this insurance.

Katy Simon, Assistant County Manager, Finance, stated that it has been determined there is no possibility of the event organizers obtaining a performance bond or a letter of credit as requested by the County because they do not have sufficient assets. She advised that the event organizers have offered to deposit \$10,000 in an escrow account, which has already been done, and that they have agreed in writing to provide half of their daily ticket sales and/or gate receipts to the County in order to reimburse the County for its expenses. Ms. Simon requested that staff be granted permission to verify those deposits and reconcile the receipts.

Commissioners Galloway and Mouliot expressed grave concerns that the insurance policy has not yet been secured; that the letter of credit required to cover Washoe County's expenses cannot be obtained; and that the event organizers can only deposit \$10,000 in an escrow account, especially in light of the fact that there have been reports of roughly \$300,000 in advance ticket sales and they can not see where the Burning Man people have spent anywhere near that much money grading, fencing and preparing the site.

Dean Diederich, speaking on behalf of the Building and Safety and Business License Divisions, stated that other conditions that

have not been met yet are that the applicant has not applied for the building permits required for the physical facilities; and that staff still needs to see and approve the footing diagrams for the structure to be burned. He further stated that on the applicant's schedule of events for Friday, August 29th, there is an event planned to begin at 11:45 p.m. and the Washoe County Code requires that all activities cease by midnight, so they are requesting that that be changed and that no events start later than 11:00 p.m. Mr. Diederich also advised that staff has not yet received the owner's affidavit of consent, which is a major requirement for this permit.

Chairman Sims then asked if there was anyone else wishing to speak to.

Mike Meizel stated that he represents the Jackson Ranch; that he had previously requested that the Jackson's be named as additionally insured on the liability insurance policy; and that they do not know if that has been done. Mr. Roger advised that the Jackson Ranch was listed as one of the additional insureds on the insurance policy. Mr. Meizel stated that his only other concern then is the same as the Board's in that the insurance will only be good if the premium is paid.

Commissioner Galloway asked about the status of obtaining the property owner's consent. Annie Westerbeck, the niece of the property owner and who leases the property from her uncle, stated that she and her attorney have reviewed her lease and determined that she can sign the owner's affidavit, which she has done. Ms. Westerbeck also gave a copy of her lease to Madelyn Shipman, Assistant District Attorney, for her review. In response to Commissioner Mouliot, Ms. Shipman advised that it is her opinion that Ms. Westerbeck is not the proper signatory because this is an "owner's" affidavit of consent and Ms. Westerbeck is not the owner. In response to Chairman Sims, Mr. Diederich explained that the purpose of obtaining the owner's written consent is so that the County will know that the owner is aware of what is happening to and on his property and demonstrating his consent for same; and that according to the Washoe County Assessor's office, the owner of record is the Holland Livestock Ranch, in care of John Casey.

A discussion commenced and the Board concurred that they wanted something in writing from Mr. Casey indicating his awareness of and consent to the happenings on his property.

Chairman Sims then summarized the discussion recapping the outstanding compliance issues and suggested that this could be continued to August 26th. The Board members agreed to give the applicants one more week, stressing that the liability insurance has to be in place as soon as possible and that all the other conditions that have not yet been met must be completed by that time.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the final date for full compliance with all conditions imposed upon the permits needed by the Burning Man 97 Outdoor Festival be extended to August 26, 1997, and that the Board meet again on Tuesday, August 26, 1997, at 2:00 p.m. in the Commission Chambers to review and determine whether full compliance has been achieved.

97-862 EMERGENCY ITEM - AUTHORIZATION FOR LEASE OF GERLACH ROAD DIVISION EQUIPMENT BY PRIVATE PARTY

This was declared an emergency item by the Board and added to the agenda as such.

During her discussions concerning the Burning Man Festival Permit in the previous item, Annie Westerbeck, Fly Ranch, Gerlach, requested permission from the Board to lease some equipment (a grader and a water truck) from the Gerlach Road Division and to hire off-duty County Road Department personnel to operate the equipment in order for the Burning Man event organizers to be able to complete some of the required site improvements for the event because the equipment they have been using is experiencing mechanical problems.

Dave Roundtree, Public Works Director, explained that there is a policy in place whereby County equipment is leased to private individuals who sign a formal agreement; that there is a rate sheet showing the hourly costs for the various equipment; and that the private individuals agree that the equipment will only be operated by off-duty County personnel, who are paid separately by the private individual. He further stated that this is an occurrence that happens maybe 6 to 8 times per year; that it has been the policy for many years; and that several years ago a prior Board took action authorizing the Public Works Director to execute

such agreements.

Madelyn Shipman, Assistant District Attorney, stated that the Nevada Revised Statutes are quite clear that County equipment can not be used on private property without formal action by the Board of County Commissioners.

In response to Board questions, Ms. Westerbeck stated that the Fly Ranch will pay for the equipment in advance.

Commissioner Mouliot stated that he feels this is a public safety emergency item because the grading has to be done and completed properly. On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, it was declared that this request constitutes an emergency and should be added to this meeting agenda.

Following further discussion, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the Fly Ranch be allowed to lease County equipment at the standard hourly rates, subject to payment being received in advance and the equipment being operated by off-duty County Road Department personnel only.

97-863 AMPHITHEATER - BARTLEY RANCH REGIONAL PARK - ROBERT Z. HAWKINS FOUNDATION - PARKS DEPARTMENT

Karen Mullen, Acting Director, Parks and Recreation Department, advised that the Parks Department has been approached by the Robert Z. Hawkins Foundation who has generously offered to build an amphitheater at the Bartley Ranch Regional Park in memory of Robert Z. Hawkins. She then introduced Mr. Bill Wallace, Chairman of the Robert Z. Hawkins Foundation.

Mr. Wallace described the 400-500 seat structure they would like to construct, and stated that it will cost somewhere between \$400,000 and \$600,000, which will all be paid by the foundation. He also stated that they are ready to sign an architectural agreement and are seeking the County's approval to proceed with the amphitheater in memory of Mr. Hawkins; and that they believe it would be better to do the project through the private sector and then donate it to the County. Mr. Wallace then introduced Mr. Prince Hawkins.

Following further discussion, upon recommendation of Karen Mullen, Acting Director, Parks and Recreation Department, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that Parks Department staff be authorized to work with the Robert Z. Hawkins Foundation in developing the design of an amphitheater in memory of Robert Z. Hawkins at Bartley Ranch Regional Park.

97-864 RESOLUTION - TRANSFER OF COUNTY'S VOLUME CAP TO DIRECTOR OF DEPARTMENT OF BUSINESS AND INDUSTRY - VINTAGE SENIOR PARTNERS AFFORDABLE HOUSING PROJECT

Upon recommendation of Maureen Griswold, Deputy District Attorney, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION--A RESOLUTION AUTHORIZING THE TRANSFER OF WASHOE COUNTY'S 1997 VOLUME CAP (AS PROVIDED IN NRS 348A.010) TO THE DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY; AND REPEALING A PREVIOUS RESOLUTION REGARDING SAME

WHEREAS, Washoe County, a political subdivision of the State of Nevada, (hereinafter "County") is authorized by the County Economic Development Revenue Bond Law now constituting Nevada Revised Statute (NRS) 244A.669 to 244A.763, inclusive, to issue revenue bonds to finance, inter alia, one or more projects which promote the social welfare of the residents of the County by financing the acquisition, development, construction, improvement, expansion and maintenance of affordable housing in Washoe County; and

WHEREAS, in accordance with the provisions of Chapter 348A of the Nevada Revised Statutes, as amended, and regulations adopted thereunder by the Director of the Department of Business and Industry (NAC 348A.010 to 348A.300, inclusive, as such regulations may be amended from time to time), Nevada's State Ceiling for each calendar year is allocated 50% to the Director and 50% to the

local governments, with the local governments' share being allocated between cities and counties on the basis of population; and

WHEREAS, in accordance with the provisions of NRS 348A.010 to 348A.040, inclusive, and the regulations issued thereunder and referred to herein, the Director of the Department of Business and Industry has determined that the County's share of the Nevada State Ceiling ("Volume Cap") for 1997 is \$3,916,737; and

WHEREAS, the County desires to facilitate the development of affordable housing in the region;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that the County's Volume Cap as referenced herein in the amount of \$3,916,737 is hereby transferred to the Director of the Department of Business and Industry on condition that the cap be transferred to the Nevada Housing Division and that the Division use it for the Vintage Senior Partners affordable housing project with the appropriate match from the State pool of Cap.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that if for any reason bonds for the Vintage Senior Partners affordable housing project are not issued prior to the tax year end (December 31, 1997), the Board of County Commissioners requests that the State Housing Division carry the Volume Cap forward to prevent its loss. Further, in the event that the Cap is unable to be used for the named project for whatever reason, the Board of County Commissioners asks that the Volume Cap be carried forward by the State Housing Division for another multi-family project in Washoe County.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that County staff is directed to forward a copy of this Resolution to the Director of the Department of Business and Industry and to the Secretary of the State Board of Finance and that staff is authorized to provide and execute any documents that may be necessary to facilitate the transfer of said Volume Cap as provided herein.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that the Resolution adopted by the Board of County Commissioners on May 20, 1997, which attempted to transfer Washoe County's share of the Volume Cap is hereby repealed.

97-865 RESOLUTION - SPECIAL ASSESSMENT DISTRICT NO. 25 (CALLE DE LA PLATA) - IMPROVEMENT PROJECT

Dave Roundtree, Public Works Director, advised that if the public hearing is not held until October, that would create a possibility that this project, if approved, would not be completed this construction season, and requested that the Board consider holding the public hearing on this Special Assessment District in September.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Sims be authorized to execute on behalf of Washoe County. It was further ordered that the public hearing necessary for the Board to accept testimony concerning the project be set for Tuesday, September 16, 1997 at 5:30 p.m.

RESOLUTION NO. 97-865

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT A CERTAIN PROJECT FOR THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO, TO BE KNOWN AS WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 25 (CALLE DE LA PLATA); SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe in the State of Nevada, duly adopted and approved has directed the Director of the Department of Public Works (the "Engineer") to file with the County Clerk certain preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, all in connection with the acquisition, pursuant to Chapter 271, Nevada Revised Statutes, of a street project, as hereinafter more specifically described (the "Street Project" or "Project"); and

WHEREAS, pursuant to such direction and with such modification in the details of the Project as was deemed necessary and as is consistent with the provisions of this resolution, the Engineer on the 19th day of August, 1997, filed with the Clerk of the County, in connection with said improvements, and with the proposed Washoe County, Nevada, Special Assessment District No. 25 (Calle De La Plata), the following:

- (A) Preliminary plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;
- (B) A preliminary estimate of the total cost of the Project and of each type of construction, the estimate being made on a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;
- (C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a per lot basis for the unit, as hereafter described and with an equitable adjustment having been made for any tract or parcel not specially benefited in direct proportion to the percentage applicable to that tract or parcel under the per lot method used so that assessments according to benefits will be equal and uniform; and
- (D) The Engineer's Report to the Board of County Commissioners on Benefits as to the method of determining benefits and explaining the adjustments and the per lot method of assessment; and

WHEREAS, the Board has examined said plans, assessment plat, including the addendum thereto, a typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits and Engineer's Report so filed with said Clerk and has found and does hereby declare the same to be satisfactory in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA: that the Board shall and hereby does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits and the estimate of maximum benefits to be assessed against each tract or parcel of land in the assessment area.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES RESOLVE FURTHER AND SHALL, AND HEREBY DOES, PROVISIONALLY ORDER:

Section 1. The improvement district shall be designated "Washoe County, Nevada, Special Assessment District No. 25 (Calle De La Plata)" (the "District").

Section 2. The Project shall be acquired at an estimated preliminary total cost of \$508,000, including engineering, legal, and incidental expenses as more particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of said County Clerk and at the office of the Engineer.

Section 3. The District shall constitute one assessment unit for purposes of remonstrance, construction and assessment. The boundaries of the District and such units shall be as designated in the form of notice set forth in Section 4 of this resolution. The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 4 of this resolution.

Section 4. On September 16, 1997 at 5:30 p.m. at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada (i.e., a time at least 20 days after the adoption of this resolution), the Board of County Commissioners will consider the ordering of the Project and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing concerning the same by the owners of the property to be

assessed or any person interested. The owners of the property to be assessed or any other persons interested therein may file a written protest or objection and may appear before the Board and be heard as to the propriety and advisability of making such improvements as to the estimated cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against the property to be improved. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, postage prepaid, as first-class mail to each of such property owners at his last-known address, the names and addresses of such property owners to be obtained from the records of the County Assessor or from such other sources as the County Clerk or the Engineer deem reliable. Any such list of names and addresses may be revised from time to time but such list need not be revised more frequently than at twelve-month intervals. If a mobile home park is located on one or more of the tracts to be assessed, the notice must be given to the owner of the tract and each tenant of that mobile home park. Notice shall also be given by posting in three public places at or near the site of the Project at least twenty (20) days prior to said hearing. Proof of such mailing and posting shall be made by the affidavit of the County Clerk or of the Engineer, such proof to be filed with the County Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment nor any other of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by publication in the Reno Gazette-Journal, a daily newspaper published in Reno and of general circulation in Washoe County, Nevada, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to the date of the protest hearing. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the County Clerk until all the assessments appertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. The notice shall be in substantially the following form:

(Form of Notice attached to original Resolution placed on file with the Clerk)

Section 5. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this resolution) concerning the Washoe County, Nevada, Special Assessment District No. 25 (Calle De La Plata) be, and the same hereby are, ratified, approved and confirmed.

Section 6. The officers of the County are directed to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9. The Board of County Commissioners has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

97-866 AUTHORIZATION - USE OF COUNTY VEHICLES BY NON-COUNTY EMPLOYEES - TESTING PROCESS - PERSONNEL

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that candidates for positions requiring a commercial driver's license (CDL) be authorized to operate county vehicles during the testing process.

97-867 SALARY ADJUSTMENT - CHIEF INVESTIGATOR, DISTRICT ATTORNEY'S OFFICE - PERSONNEL

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the salary grade for the Chief Investigator in the District Attorney's Office be adjusted in the following manner:

A 2% cost-of-living adjustment granted for the period 7/1/96 - 12/31/96

A 1% cost-of-living adjustment granted for the period 1/1/97 - 6/30/97

It was noted that these adjustments reflect the cost-of-living adjustments granted to the Investigator III's, District Attorney's Office, as the result of an agreement with the District Attorney Investigators' Association for fiscal year 96-97 and are being recommended to maintain an appropriate salary spread between the Chief and the Investigator III (approximately 14%) in order to recognize the level of supervision exercised by the Chief.

97-868 ACCEPTANCE OF PROPERTY OBTAINED BY THE DISTRICT ATTORNEY'S OFFICE

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the items shown on the list attached to Ms. Shipman's August 7, 1997 memorandum be accepted for County inventory purposes. It was noted that the District Attorney's office is a participant in the State of Nevada 1208 Federal Excess Property Program and that these items were obtained through that program.

97-869 REFUND OF FEES - VARIANCE CASE NOS. V1-1-93 AND V1-2-93 - NEV-CAL/FILIBERTO AND KAREN FERRONI/KRONISH TRUST - FIELDCREEK RANCH SUBDIVISION

Upon recommendation of the Board of Adjustment and Community Development Department staff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the \$400.00 in fees paid by the applicant for Variance Cases Nos. V1-1-93 and V1-2-93 be refunded to the applicant, Nev-Cal/Filiberto and Karen Ferroni/Kronish Trust, Fieldcreek Ranch Subdivision.

97-870 REGIONAL OPEN SPACE PLAN - PROPOSAL TO ESTABLISH LOCAL NON-PROFIT LAND TRUST - DEPARTMENT OF COMMUNITY DEVELOPMENT

John Hester, Director of the Department of Community Development, and Bill Whitney, Open Space Planner, were present and answered numerous questions of the Board. Mr. Whitney stated that staff believes the best way to implement the Regional Open Space Plan is to establish a private, non-profit land trust, including providing funding during the first few years, that will be separate from the County and will have the flexibility and autonomy to begin acquiring and managing open space. Mr. Hester advised that the Washoe Parks Foundation does have similar objectives but has not been actively and aggressively pursuing open space; and that staff will meet with them as they believe there are complimentary resources and they want to be sure the efforts are not being duplicated by two different groups. He further explained that their proposal is to provide \$75,000 per year for 5 years, by which time the land trust should be financially self-sufficient, and that this year's \$75,000 come from the department's carry-over funds for start-up costs to establish the non-profit, including hiring a consultant to draft the by-laws and articles of incorporation and to begin the paperwork to obtain the non-profit status. He also stated that the Board would have the opportunity to know what the trust has accomplished and plans to accomplish each year at budget time when it is time to consider the \$75,000 for the next year.

Board members expressed concerns regarding potential land use conflicts and stressed the importance of knowing what this land trust is doing. It was suggested that having a Commissioner on the Board of Directors of the land trust, in perpetuity--not just for five years or however long the County is providing funding, would address that concern.

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Commissioner Shaw left the meeting at 12:15 p.m.

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Madelyn Shipman, Assistant District Attorney, advised that the Board can only grant funds to a non-profit organization by resolution. John MacIntyre, County Manager, explained that there is no non-profit land trust yet and that staff is seeking authorization to use part of their carry-over funds to establish the non-profit land trust. Mr. Hester stated that he does not believe it will require all of the \$75,000 to draft the by-laws and articles of incorporation and other paperwork necessary to establish the trust; and that it was his thought that whatever was left could be given to the trust after it is established. Ms. Shipman stated that that is allowed, but the actual granting of the funds to the trust after it is established will have to be

done by Board adoption of a resolution.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that:

1. A local non-profit land trust be established as one means of implementing the Regional Open Space Plan;
2. The Department of Community Development be authorized to expend funds, up to \$75,000, from their carry-over funds to draft the by-laws and articles of incorporation and start the necessary paperwork for the 5013C non-profit status for the land trust;
3. Staff bring back a resolution for Board consideration and adoption to grant any unused funds from the \$75,000 to the non-profit land trust; and
4. When drafting the by-laws, staff consider having a Commissioner sit on the Board of Directors of the land trust in perpetuity, or devise some other means of making sure that the County Commission is kept informed of what the land trust is doing to avoid any conflicts.

COMMUNICATIONS AND REPORTS

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

97-871 Communications

- A. Notice from the Washoe County School District of a Resolution Providing for the Augmentation of the 1996/1997 Final Budget for the building and sites fund and the nutrition services fund.
- B. Notice of Intent to Annex Land into the City of Sparks consisting of 17.03 acres, located at the northeast corner of Sullivan Lane and Wedekind Road under Bill No. 1084, the public hearing for which was held July 28, 1997.
- C. The following three State Department of Transportation Contracts on projects concerning Washoe County including special provisions, proposal, contract and bond, which were forwarded to Public Works:
 1. Structure I-1008 at Vista, and Structures B-764 E/W and G-765 E/W at Verdi, Granite Construction Company, contractor.
 2. Washoe Lake Wetlands Mitigation Area Phase 2b, Marvin Smith Construction, contractor.
 3. Rest Area Improvements, Statewide, Bison Construction, contractor.
- D. City of Reno Bill No. 5056, Ordinance 4548 regarding variances and special use permits providing for their Board of Adjustment and Planning Commission to make final decisions, subject to appeal to the City Council, on applications, and for site plan review appeals to the City Council.

97-872 Reports - Monthly (June, 1997)

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Treasurer
- E. Sheriff (Also May, 1997)

97-873 Quarterly Reports - Apr., May, Jun., 1997

- A. Constable, Reno
- B. Justice Court, Verdi
- C. Justice Court, Gerlach (also Jan., Feb., Mar., 1997)
- D. County Clerk/Court Clerk
- E. Justice Court, Incline Village
- F. Constable, Wadsworth
- G. Constable, Gerlach
- H. Constable, Sparks

97-874 Report - Annual 1996-1997

Washoe County Animal Control Budgets - Final 1997/1998

- 97-875 A. Truckee Meadows Fire Protection District
- 97-876 B. South Truckee Meadows General Improvement District
- 97-877 C. Sierra Forest Fire Protection District
- 97-878 D. Washoe County

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There being no further business to come before the Board, the meeting adjourned at 12:35 p.m.

GRANT D. SIMS, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk