

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. APRIL 28, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Judi Bailey, County Clerk
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Washoe County District Health Department, Building B, South Auditorium, 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:

98-375 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the agenda for the April 28, 1998, meeting be approved with the following amendments: delete: Items 9.A., an agreement with Interactive Systems, LLC, concerning victim notification services, 9.C., an interlocal agreement with NDOT concerning SR28, Tahoe Boulevard at Crystal Bay, and Item 21, a recommendation concerning defining geographical area eligible to receive mitigation funds for the Alturas Powerline and creation of a citizens' committee to recommend how the mitigation funds be spent.

PUBLIC COMMENTS

Bill Calvert, 2600 Cactus View, Golden Valley, addressed the Board concerning overpopulation of horses in his neighborhood and associated manure piles, odor and flies; stated that he has had little cooperation from the District Health Department; that his neighbor has six adult horses on a lot slightly larger than an acre; and that there is no way they can keep up with the manure piles.

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the minutes of the regular meeting of April 2, 1998, be approved.

98-376 PROCLAMATION - NATIONAL DRINKING WATER WEEK

Chairman Bond read the following proclamation into the record and it was duly adopted:

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

WHEREAS, Water is a basic and essential need of humankind; and

WHEREAS, Our health, comfort and standard of living depend upon an abundant supply of safe water; and

WHEREAS, Washoe County believes that citizens should have a safe and dependable supply of water both now and in the future; and

WHEREAS, Washoe County is calling upon each citizen to give drinking water a hand by protecting our source waters from pollution, conserving and getting involved; now, therefore be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That May 3-9, 1998, is hereby proclaimed as NATIONAL DRINKING WATER WEEK; and be it further

RESOLVED, That the Board urges all citizens to recognize the value, importance and fragility of our water resources.

98-377 ACCEPTANCE OF DONATIONS - KIDS KOTTAGES - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Social Services Department, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following cash donations in the amount of \$6,416.66 for children in emergency shelter care be gratefully accepted:

CASH DONATIONS:

- \$ 4.16 from Social Services employees on behalf of May Shelton
- \$ 20.00 from Mabel M. Mooney in commemoration of Vincent J. Mooney's 82nd birthday
- \$ 50.00 from Mrs. Carole J. Horan
- \$ 150.00 from Vickie L. Anderson
- \$ 442.50 from the employees at A & H Insurance, Inc.
- \$ 500.00 from the Reno Gazette Journal on behalf of Joe Hansen
- \$1,250.00 from the Auxiliary to the Washoe County Medical Society
- \$4,000.00 from Carl M. Hebert

It was further ordered that the Comptroller be directed to make the account changes as listed below:

INCREASE REVENUES:

Account 28-28052-5802	(General Donations)	by \$6,416.66
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INCREASE EXPENDITURES:

Account 28-28052-7205	(Minor Furniture/Equipment)	by \$6,416.66
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98-378 ESTABLISH SEMI-ANNUAL REPORTING PROCESS - TIMELY COMPLETION OF EMPLOYEE PERFORMANCE EVALUATIONS - PERSONNEL

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the semi-annual reporting process proposed by Personnel to review the timely completion of employee performance evaluations be adopted.

98-379 WATER RIGHTS DEED - LARRY D. WOOD & KENDAL BRADLEY WOOD - WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken in support of the Larry Wood residence, APN 035-310-39:

1. The Water Rights Deed between Larry and Kendal Wood, as Grantor, and Washoe County, as Grantee, for 0.93 acre feet of water rights being a portion of Claim 337/338, be approved and Chairman Bond be authorized to execute;
2. The Water Sale Agreement between Sierra Pacific Power Company and Washoe County be approved and Chairman Bond 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.

98-380 GRANTS OF EASEMENT - DAVID KILEY - SPRING CREEK WATER SYSTEM - PUBLIC WORKS

Upon recommendation of James Gale, Senior Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the grants of easement from L. David Kiley, et al, and Big Canyon Ranch, for the construction of a transmission pipeline to connect the Spring Creek Water System to Sierra Pacific's water system, be accepted and Chairman Bond be authorized to execute.

98-381 GRANT OF EASEMENT - SIERRA PACIFIC POWER COMPANY - SIERRA SAGE GOLF COURSE MAINTENANCE FACILITY - PUBLIC WORKS

Upon recommendation of James Gale, Senior Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the grant of easement to Sierra Pacific Power Company, necessary to provide gas, water and power to the new Sierra Sage Golf Course Maintenance Facility, be approved and Chairman Bond be authorized to execute.

98-382 AGREEMENT - STRATEGIC ALLIANCES - LOBBYING SERVICES

Upon recommendation of Katy Simon, Deputy County Manager, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County and Strategic Alliances, L.L.C. (Contractor), Mary Henderson, Principal, concerning legislative lobbying and related services, be approved and Chairman Bond be authorized to execute.

98-383 BILL NO. 1192 - AMENDING WCC CHAPTER 50 - GRAFFITI

John MacIntyre, County Manager, provided background information and answered questions of the Board.

Bill No. 1192, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS PROHIBITING THE DEFAACEMENT OF PROPERTY BY GRAFFITI AND CREATING THE GRAFFITI REWARD AND ABATEMENT FUND" was introduced by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

98-384 BILL NO. 1193 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - ARTICLE 220--TAHOE MODIFIERS AND ARTICLE 226--WARM SPRINGS MODIFIERS

Sharon Kvas, Department of Community Development, provided background information concerning these modifications to the Development Code.

Bill No. 1193, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE TO AMEND ARTICLE 220 'TAHOE AREA' TO MODIFY THE STANDARDS FOR CONSTRUCTION OF A GARAGE; AT OR BELOW GRADE PARKING DECKS, WALKWAYS AND DECKS; CONSTRUCTION BELOW A PARKING DECK; GRANTING LEGAL CONFORMING COMPLIANCE WITH BUILDING SETBACK REQUIREMENTS FOR HOMES CONSTRUCTED PRIOR TO 1990 WHEN THE BUILDING PAD WAS NOT DELINEATED ON THE FINAL MAP; AND UTILIZING TAHOE REGIONAL PLANNING AGENCY HEIGHT CALCULATIONS FOR ALL STRUCTURES. IN ADDITION, AN ADMINISTRATIVE CHANGE TO SECTION 110.226.05; PYRAMID LAKE HIGHWAY, ARTICLE 226, WARM SPRINGS AREA WOULD SUBSTITUTE PYRAMID LAKE HIGHWAY FOR INTERSTATE 80" was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

98-385 RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT - PUBLIC ATTORNEY'S ASSOCIATION - 1998 & 1999

Upon recommendation of Howard Reynolds, Assistant County Manager, who was present to provide background information and answer questions of the Board, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the changes to the Collective Bargaining Agreement with the Washoe County Public Attorney's Association for calendar years 1998 and 1999, as outlined in Mr. Reynolds' April 16, 1998, memorandum placed on file with the Clerk, be ratified.

98-386 SALARY AND BENEFIT ADJUSTMENTS - NON-REPRESENTED ATTORNEYS--1998 & 1999

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following salary and benefit changes for the non-represented attorneys in the District Attorney's Office and the Public Defender's Office be approved:

1. A 2.08 percent salary increase plus pay 50 percent of the dependent health insurance premium be granted effective January 1, 1998.
2. A 3 percent COLA be granted effective January 1, 1999.
3. The County will not pay any portion of the medical insurance premiums associated with the retiree health insurance for any employee hired as a non-represented attorney on or after April 29, 1998.
4. The longevity rate be increased by the same amount as that ratified by the Board for the Washoe County Public Attorney's Association (see previous item).
5. The parking allowance be increased by the same amount as that ratified by the Board for the Washoe County Public Attorney's Association (see previous item).

98-387 PURCHASE OF PROPERTY - 836 MORRILL AVENUE

Bud Fujii, General Services Director, was present to respond to questions raised at Caucus. He stated that if the County wanted to rent out the property, Reno Housing Authority requirements would have to be met, which would mean totally renovating the buildings and making them all ADA compliant; that pursuant to Nevada Revised Statutes, renting would have to be done through the bid process; and that there would be several other obstacles.

Upon recommendation of James Gale, Senior Property Agent, through Dave Roundtree, Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the purchase of the 6-plex and property located at 836 Morrill Avenue, Assessor Parcel Numbers 008-162-18 and -19 for the amount of \$285,000 from the owners Dale Fritsch and Mary Downer be approved.

98-388 ADDITIONAL POSITION - COMMUNICATIONS SPECIALIST - INCLINE VILLAGE - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the addition of a previously unfunded position of Communications Specialist to be used to staff the public safety dispatch center at the Sheriff's Office, Incline Village Substation, which will be totally funded by the North Lake Tahoe Fire Protection District, be authorized.

98-389 AMBASSADOR PRODUCTIONS OUTREACH - REVEREND DON BUTLER - REQUEST FOR ADDITIONAL FUNDING

Reverend Don Butler, Ambassador Productions Outreach, stated that at the present time Sheriff Kirkland is not able to provide the \$5,000 funding for this program that he has in the past and because of that he is seeking assistance from the Board. He stated that the urgency is that summer is coming and it his hope that through his program the community can enjoy the peace that was experienced in the last two summers with no deaths, no drive-bys, etc. Rev. Butler stated that he did apply for and was granted funds from the Consortium, but that those funds will not be available until July-August; and that he needs funds to get to that point. He elaborated on the past success of his program in getting kids out of gangs presenting pictures of kids in the program to the Board.

In response to Commissioner Shaw, Rev. Butler stated that the total actually needed is approximately \$28,000 to \$30,000; that he has solicited other agencies and does have other sources; and that many other agencies are participating.

Madelyn Shipman, Assistant District Attorney, explained that the only action the Board could take today if the desire is to assist

Rev. Butler, is to direct that a resolution granting the funds be prepared for adoption at a future meeting.

On motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw voting "no," Chairman Bond ordered that the District Attorney's office be directed to prepare a resolution granting funds to Reverend Butler, Ambassador Productions Outreach, for adoption at a future meeting.

98-390 WASHOE COUNTY V. LANGON AND PETERSON - CASE NO. CV97-02336

Upon recommendation of John Sherman, Management Analyst, who was present to respond to Board questions, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the amount due the County under the above captioned litigation negotiated on behalf of Washoe County by County staff and its attorney be approved. It was noted that this action concerns the Reno and Sparks Constables compensation package and the recommendation is based upon a confidential attorney/client privilege memo.

98-391 APPOINTMENT - COLD SPRINGS CITIZEN ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that Lee J. Boekhout be appointed to the Cold Springs Citizen Advisory Board as an at-large member with a term to expire June 30, 1999.

98-392 ACCEPTANCE OF RESIGNATION AND APPOINTMENT - WASHOE COUNTY PLANNING COMMISSION

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the resignation of Robert Strobel from the Washoe County Planning Commission be formally accepted.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Mark Sullivan be appointed to fill Mr. Strobel's unexpired term to June 30, 2001.

98-393 STATUS REPORT - NEW/UPGRADED PERMIT TRACKING SYSTEM - DEPARTMENT OF COMMUNITY DEVELOPMENT

John Hester, Director, Department of Community Development, provided an overview and status report on the new/upgraded permit tracking system, distributing handouts which outlined the project goals and timetable. He stated that it is the intent to have the system installed by January, 1999; and that once operable, the system will bring all the functions closer together, following up on inspections and conditions, and enabling staff to be more consistent and get to the "one-stop" process. Mr. Hester then answered questions of the Board and further stated that this system will make staff much more efficient and accountable.

98-394 LOCKWOOD ACQUISITION PROJECT - STATUS REPORT - PUBLIC WORKS

Dave Roundtree, Public Works Director, was present and responded to Board questions concerning the status of acquiring properties in the Lockwood Floodplain. Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that staff continue making offers to purchase single family residences located in the "Lockwood Floodplain" in accordance with Alternate No. 2 (do not provide the 25% local match from Washoe County funds) as outlined in Mr. Roundtree's memorandum dated April 15, 1998, and that after the budget process is completed, the Board may wish to revisit this issue.

98-395 REPORT ON JUNIPER HILLS BRIDLE PATHS - COSTS FOR FENCE CONSTRUCTION - PUBLIC WORKS

Dave Roundtree, Public Works Director, presented a cost estimate of approximately \$28,000 for fence construction in the Juniper Hills Subdivision bridle paths. He also advised that staff sent letters to 28 property owners requesting responses as to whether or not the property owner wanted his easement fenced; that so far 17 homeowners have indicated that they would like to have a fence and one indicated that he did not want a fence constructed. Mr. Roundtree further explained that the cost per foot is a little higher than one would normally see because of the gates, because some of the segments of fencing are short rather than having a long run of continuous fence, and because much of the area is not accessible by vehicle or machinery, which means that materials will have to be carried in and fence posts will have to be driven by hand. He stated that he has personally met with all

the property owners who requested a meeting in an effort to accommodate the homeowners' wishes wherever possible.

Commissioner Galloway noted that this cost is very close to the original estimate discussed at the last meeting (February 10, 1998, Item No. 98-129), reviewed issues raised at previous discussions concerning this item, and confirmed that maintenance of the paths will be approximately \$500 per year. He also asked about the issue of locating exact property boundaries and whether surveying will be necessary. Mr. Roundtree responded that since the easements are 30 feet wide, he does not feel it is necessary to be that exact as long as the fence is within that 30-foot area.

In response to Commissioner Shaw, Mr. Roundtree stated that the fence will be uniform throughout; and that the one person who indicated that they did not want the County fence is installing his own fence.

Chairman Bond noted that letters have been received from William Welch and Gwendolyn Clancy in support of the fencing and Robert Pickup has sent two letters expressing adamant opposition.

Commissioner Galloway stated that he feels the clearance of the path segments that were discussed at the previous meetings that Mr. Roundtree was asked to estimate should proceed forward since the actual construction is the only major cost; that now people will really know where the path is; that he believes the Board has been accommodating both to the residents who want the paths and fences and those that don't; and that if this is not done, this path system will be lost.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Public Works staff be authorized to proceed and clear and make useable both the "green" and "orange" routes as indicated on the map placed on file with the Clerk, and to install the fencing for the homeowners who have requested the fencing. It was further ordered that the County will be under no obligation at a later date to install fencing for any homeowners who do not request the fencing now.

98-396 EMPLOYMENT STATUS - COUNTY MANAGER

This was the time for the Board members to consider the employment status of John MacIntyre, County Manager. Chairman Bond stated that there are three different actions to be taken; that one is to establish Mr. MacIntyre's termination date; that one is to decide on the severance package; and the final action will be to appoint an acting manager for the interim period until a new county manager can be hired. She also reported that she received a letter from Vernon Meiser, a local developer, concerning Mr. MacIntyre's performance and compensation package, which she read into the record and placed on file with the Clerk, as Mr. Meiser had requested.

Commissioner Galloway requested clarification concerning terminating Mr. MacIntyre as County Manager and retaining him in another position as part of the final compensation package. Legal Counsel Madelyn Shipman advised that the Board can do that if they so desire.

Commissioner Galloway then moved that Mr. MacIntyre be terminated as County Manager at the close of business this Friday (May 1, 1998). Commissioner Shaw stated that he would second that motion but asked if Thursday (April 30, 1998) might be a better date since it is the end of the month. Commissioner Galloway stated that he would amend the motion. Chairman Bond called for discussion. Commissioner Mouliot expressed his dissatisfaction with the way in which the media has covered this issue.

Chairman Bond then called for the vote; the motion carried unanimously; and it was ordered that John MacIntyre be terminated as County Manager effective as of the close of business Thursday, April 30, 1998.

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At the request of the Board, Jerry McKnight, Director of Budget and Finance, prior to the meeting had presented five different severance package options with Option No. 1 being the highest and going down accordingly. Some of the options included retaining Mr. MacIntyre as a "Special Projects Coordinator" until the end of October and/or purchasing service credit from PERS, the employee retirement system.

Chairman Bond stated that it would be her desire to retain Mr. MacIntyre to insure a smooth transition and that, of the five options, she favored No. 1 or No. 2. Commissioner Shaw stated that he likes either Option 3 or Option 4; that under Option 3, the County would be keeping Mr. MacIntyre on in another position for six additional months which would count toward his retirement; and that he feels Option 4 would be very suitable.

Commissioner Galloway stated that he prefers Options 4 or 5; that if it is necessary to reach consensus, he would support Option 3; and that that is the absolute highest he will go.

Commissioner Mouliot stated that he agrees with the Chairman and would like to recommend Options 1 or 2.

Commissioner Camp stated that she feels Options 1 and 2 are excessive; that she would prefer Option 4; and that Option 3 is the highest she will consider.

Chairman Bond explained that her motivation is that Mr. MacIntyre has worked long, 20 plus years, and hard for Washoe County. Commissioner Galloway stated that he recognizes that but also pointed out that this severance package is in addition to a substantial vacation and sick leave payout Mr. MacIntyre will receive; and that going with Option 3 would be stretching his limit.

Commissioner Shaw then moved to approve Option No. 4 at \$118,515, consisting of 6 months severance pay (\$76,411) and funding necessary to purchase one year of service credit with PERS and related costs (\$42,104) as the severance package for Mr. MacIntyre. The motion was seconded by Commissioner Galloway. Upon call for the vote, the motion carried by a 3 to 2 vote with Commissioners Bond and Mouliot voting "no," and it was so ordered.

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On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Deputy County Manager Katy Simon be appointed Interim County Manager.

Chairman Bond suggested that a committee be appointed to assist Ms. Simon through the transition and offered some suggestions for appointment. It was decided that discussion of such a committee and its makeup should be held at the next regular Board meeting.

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There being no further business to come before the Board, the meeting adjourned at 10:45 a.m.

JOANNE BOND, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk