

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 3:00 P.M. OCTOBER 27, 1998

PRESENT:

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

Betty J. Lewis, County Clerk
Rita Lencioni, Assistant to the County Manager
Madelyn Shipman, Legal Counsel

ABSENT

Katy Simon, County Manager

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

98-1025 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the agenda for the October 27, 1998 meeting be approved with the following amendments -- Delete: Item 8(c), New classification and salary range (Utility Worker Crew Chief) and abolishment of existing class of Utility Worker Supervisor; Item 10, Proposed settlement of condemnation suit; Item 13, options concerning civil process serving; and Item 15, Discussion regarding offer of unpaid consulting services to be provided by Reno Fire Chief Chuc Lowden during the analysis of fire service consolidation.

PUBLIC COMMENTS

Kelly Probasco, Chairman, Cold Springs Citizen Advisory Board, updated the Board regarding Alturas Mitigation funds and projects related thereto.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the minutes of the regular meeting of October 13, 1998, be approved.

98-1026 ACKNOWLEDGMENT OF ACTIONS - DON SUTHERLAND - PARKS DEPARTMENT EMPLOYEE

Karen Mullen, Director, Parks & Recreation Department, acknowledged Don Sutherland, a Parks Department employee, witness to a pit bull attack involving a two young children on October 7, 1998 near Sun Valley Park. Ms. Mullen advised that Mr. Sutherland stopped his truck to aid the children bringing them to the safety of his vehicle until assistance arrived.

Chairman Bond presented a plaque to Mr. Sutherland on behalf of the Board and commended him for his bravery and for diverting what could have been a very tragic incident.

98-1027 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 32 victims of sexual assault in an amount totaling \$15,602.90 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated October 9, 1998.

98-1028 RESOLUTION - WASHOE COUNTY DEBT MANAGEMENT COMMISSION - GENERAL OBLIGATION (LIMITED TAX) WATER REMEDIATION BONDS

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

RESOLUTION NO. 98-1028

A RESOLUTION CONCERNING THE FINANCING OF A WATER REMEDIATION PROJECT; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO BORROW MONEY AND TO ISSUE GENERAL OBLIGATION BONDS TO EVIDENCE SUCH BORROWING; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant to NRS Sections 540A.250 through 540A.085, inclusive (the "Project Act"), is authorized to develop and carry out a plan of remediation of water (the "Project"), create a district, levy a fee within the district and issue bonds to pay the cost of the Project; and

WHEREAS, The Board of County Commissioners (the "Board") has heretofore created District No. 24 (Groundwater Remediation) for such purpose (the "District") and levied a fee on property located therein; and

WHEREAS, the Board of the County proposes to issue the County's general obligation (limited tax) water remediation bonds additionally secured by pledged revenues consisting of the fees levied and to be levied in the District (the "Bonds"); and

WHEREAS, pursuant to Section 350.020(3) (subject to the approval of the proposals to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish a resolution of intent to issue the Bonds additionally secured by the Pledged Revenues consisting of revenue derived from the fee imposed and to be imposed within the District (the "Pledged Revenues"); and

WHEREAS, the Board anticipates making a determination that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County representing the requisite assessed value of the taxable property of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

GENERAL OBLIGATION WATER REMEDIATION BOND

PROPOSAL:

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) water remediation bonds, in one series or more, in the aggregate principal amount of not exceeding \$7,000,000 for the purpose of paying a portion of the cost of developing and carrying out a plan for the remediation of water, the bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad valorem) taxes (except to the extent pledged revenues are available therefor), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such

other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Bond Proposal"); and

WHEREAS, subsection 1 of NRS Section 350.004 provides, in relevant part, as follows: "1. Before any proposal to issue general obligation debt . . . maybe submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated", and

WHEREAS, subsection 1 of NRS Section 350.005 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to incur general obligation debt . . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission"

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

Section 1. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Project and the financing thereof be, and same hereby is, ratified, approved and confirmed.

Section 2. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Washoe County Debt Management Commission of the County's Proposal, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The Interim Director, Budget and Finance Division is authorized to update or amend the County's plan for capital improvements if necessary to reflect the Bonds and the Project to be financed thereby and to file this information as required by NRS Section 350.0035 to the extent required to comply with NRS 350.0035.

Section 3. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$7,000,000.

Section 4. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 5. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 6. This resolution shall become effective and be in force immediately upon its adoption.

98-1029 REFUND OF TAXES - RENO INVESTORS - APN 012-231-25 FISCAL YEARS 1995/96, 1996/97 & 1997-98

This item was continued from October 13, 1998.

Pursuant to District Attorney Opinion No. 6368, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

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

WHEREAS, Reno Investors (Taxpayer) made application for the refund of 1995-1996, 1996-1997 and 1997-1998 real property taxes because an improvement located on the Taxpayer's property, APN 012-231-25, was demolished; and

WHEREAS, Reno Investors has overpaid taxes for fiscal years 1995-1996, 1996-1997 and 1997-1998 in the amount of \$549.92; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Reno Investors, a total of \$549.92, that amount being the taxes overpaid by Reno Investors for the tax years 1995-1996, 1996-1997 and 1997-1998 on APN 012-231-25.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

98-1030 TRANSFER OF APPROPRIATIONS - WASHOE COUNTY SPACE STUDY LAND ACQUISITION TO WILDCREEK SOCIAL SERVICES CENTER - FINANCE

Upon recommendation of Anna Heenan, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following appropriation transfer within the 1998-99 fiscal year Public Works budget for the Wildcreek Social Services Center be approved and that the following account transactions be authorized:

Budget:

Account	Description	Decrease	Increase
092-920242-7861	Washoe Co. Space Study/Acq-Land	\$700,000.00	
092-920701-7861	Wildcreek Social Services Center-Land	\$700,000.00	

Actual Expenditures:

Account	Description	Decrease	Increase
092-920242-7861	Washoe Co. Space Study/Acq-Land	\$674,870.46	
092-920701-7861	Wildcreek Social Services Center-Land	\$674,870.46	

98-1031 DISINTERMENT OF HUMAN REMAINS - HEALTH

Upon recommendation of James Begbie, Acting District Health Officer, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Request for Disinterment from Karen Abrams Burk to disinter and remove the remains of Steven Irving Burk, her husband, from the Hebrew Cemetery in Reno, Nevada and reinterred at Beth Israel Memorial Park, Woodbridge, New Jersey be approved noting that the cause of death was not due to a contagious or loathsome disease.

98-1032 WAIVE PROHIBITION OF SERVING ALCOHOLIC BEVERAGES - SENIOR CHRISTMAS DINNER - DECEMBER 12, 1998 - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a request by the Sparks Sertoma to waive the prohibition of serving alcoholic beverages at their annual Seniors Christmas Dinner scheduled for Saturday, December 12, 1998 from 4:00 p.m. to 7:00 p.m. be approved.

98-1033 WATER RIGHTS DEED - TRANS SIERRA - SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT - WATER RESOURCES

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the water rights deed for conveyance of the original block of Trans Sierra water rights with Washoe County as Grantor and South Truckee Meadows General Improvement District (STMGID) as Grantee be approved; and that staff be directed to record the water rights deed with the County Recorder.

98-1034 WATER RIGHTS DEED & WATER SALE AGREEMENT - ROBERT A. CASHELL & SIERRA PACIFIC POWER CO. WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Water Rights Deed between Robert A. Cashell, as Grantor, and Washoe County as Grantee, for 0.94 acre-feet of surface water rights being a portion of Claim 83, as changed by Permit 63887, and the corresponding Water Sale Agreement between Sierra Pacific Power Company and Washoe County for 0.94 acre-feet of water rights be approved; that Chairman Bond be authorized to execute the Water Rights Deed and Water Sale Agreement; and that the Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

It was noted that the water rights are being dedicated in support of Robert Cashell's Parcel Map on behalf of Wild West Enterprises, Inc., creating one new parcel currently a part of APN 009-120-07 and Washoe County, in turn, is making these rights available to Sierra Pacific Power Company so they may supply water to the project.

98-1035 REJECTION OF CLAIM - HSF, INC. - DISTRICT ATTORNEY

James Barnes, Deputy District Attorney, reviewed background information regarding this item contained in a memorandum dated October 23, 1998 recommending that the Board reject the claim of HSF, Inc./Albers Associates ("HSF") as untimely pursuant to subsection 1 of NRS 244.250(1) advising that the District Attorney's Office formally terminated the contract with HSF on February 13, 1997; and that the claim was received in April, 1998 well after the six-month statutory time frame had expired.

Debra Robinson, attorney representing HSF, Inc., stated that they disagree with the District Attorney's recommendation to reject their claim; that the County has one contract with HSF for installation of computer systems at Reno and Sparks Justice Courts; that Sparks Justice Court is currently utilizing the system; that it is her understanding they are very satisfied with the system; that the problem arose at Reno Justice Court and, although Mr. Barnes alleges that the District Attorney terminated the contract on February 13, 1997, the contract still remains in effect and is being used at Sparks Justice Court; that it has termination provisions including a 90-day written notice provision and a deletion of software provision; that those provisions were not complied with; that she is unaware of any written notice giving a ninety-day intent to cancel the contract; and that it is their belief that the software still remains on the system at Reno Justice Court.

Ms. Robinson further advised that attorneys for HSF and Washoe County have made numerous attempts to resolve this dispute which still is ongoing; that an Invoice from HSF dated April 17, 1998 which Mr. Barnes characterizes as a demand made under NRS 244.210, was generated as part of settlement negotiations; that it was not a demand but rather a compromise amount that HSF was willing to accept to resolve this matter; that NRS 244.250 is not applicable in this case; that there continues to be a dispute as to the status of the contract and if it has been in fact canceled; that the real issue is how Reno Justice Court can get out of the contract as they have already entered into a new contract with Instep for similar services; and that if this claim is deemed "untimely", they would have no option but to sue the County.

Madelyn Shipman, Assistant District Attorney, stated that the contract provides that HSF as well as Washoe County could terminate the contract; that they did so in accordance with the terms of the contract which provided for a 30-day provision to terminate which was done on February 13, 1997; that the termination related to the installation of software or the continuation of installation and services to be provided to Reno Justice Court and not Sparks Justice Court; that this portion of the contract did continue but not relating to Reno Justice Court; that the software is not in place and is not being used in Reno Justice Court; that there has been no settlement reached between the County and HSF; that all claims are required to be submitted within six months; that the District Attorney's Office still upholds its position to reject the claim of HSF., Inc. as untimely; and that they believe they made it very clear that they were terminating that aspect of the contract with regard to Reno Justice Court.

Ms. Robinson stated that the contract has specific terms with regard to termination; that it is their position that the County did not comply with those terms which include a 90-day notice and removal of the software; that the bid was made for two courts; and that Sparks Justice Court is currently using the system which is functioning very well.

Commissioner Shaw inquired why this issue has taken so long to come before the Board if it was HSF's belief that the County was violating terms of the contract. Ms. Robinson responded that they believed in good faith that they were dealing with the proper authorities; that all correspondence had been copied to the Reno Justice Court judges; that there was some confusion on their part as to why this was a contract entered into with the County; that the Reno Justice Court judges were getting involved with the decision and correspondence to Mr. Barnes questioned who was the proper person to be making this decision and who could reject or accept this contract and they are still unsure as to why the County Board or the County Manager has not been involved; that in her opinion there has been a lot of confusion in communications with Mr. Barnes; and that they have been led to believe through the letters from the County that there were on-going negotiations and perhaps a way to amicably resolve this issue.

Chairman Bond stated that the District Attorney's Office forwarded correspondence to HSF canceling the remainder of the contract which clearly stated their intentions; that she does not understand how they could have interpreted the letter to indicate "that on-going negotiations were being conducted"; and that this matter should be settled in another forum.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the recommendation of James Barnes, Deputy District Attorney, to reject the claim of HSF, Inc./Albers Associates ("HSF") Invoice as untimely pursuant to subsection 1 of NRS 244.250 be upheld, with the caveat that this matter not be reconsidered.

DISTRICT - BOULDER CREEK APTS. WATER RESOURCES

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that sanitary sewer allocation to Boulder Creek Apartments be approved; that staff be directed to develop an agreement between the City of Sparks, the Sun Valley General Improvement District (SVGID), and Washoe County, concerning joint use of sanitary sewer facilities, and the preparation of a facility plan regarding sanitary sewer collection for Boulder Creek Apartments, and other parcels in the City of Sparks, Washoe County and the Sun Valley area.

98-1037 AWARD OF BID - AMERICAN LANDSCAPE, INC. - WASHOE COUNTY GOLF COURSE RENOVATION - PUBLIC WORKS

This was the time to consider award of bid, Notice to Contractors for receipt of sealed bids having been published in the Reno Gazette-Journal on September 28, October 1 and October 5, 1998 for the Washoe County Golf Course Renovation Project (replacement of irrigation system) on behalf of the Public Works Department.

Proof was made the due and legal Notice had been given.

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

	Base Bid
American Landscape, Inc.	\$ 915,275.00
Valley Crest	\$ 988,888.00
Daylen, Inc.	\$1,029,500.00
Key Turf	\$1,287,500.00

Upon recommendation of David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the bid for the Washoe County Golf Course Renovation Project (replacement of irrigation system) be awarded to the low bidder, American Landscape, Inc., in the total amount of \$953,834.00 consisting of the Base Bid (\$915,275.00) plus Add Alternate No. 1 (\$16,776.00), and Add Alternate No. 2 (\$9,553.00); and that Chairman Bond be authorized to execute the contract documents upon presentation.

98-1038 AWARD OF BID - 1999 FLEET VEHICLES - BID NO. 2115-99 EQUIPMENT SERVICES - IN JOINDER

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 22, 1998, for 1999 Fleet Vehicles in-jointer with Carson City. Proof was made the due and legal Notice had been given.

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

Carson Dodge

Champion Chevrolet
 Bill Giles Chevrolet
 Jones-West Ford
 Michael Hohl Motor Company
 Winkel Pontiac-GMC
 Southwest Ford

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Bid No. 2115-99 for 1999 Fleet Vehicles [pricing] on behalf of the Equipment Services Division of the General Services Department, in-jointer with Carson City, be awarded as follows:

Carson Dodge-Chrysler, Inc.		
Bid Item #7	Compact 4x4 Pickup Truck (Dodge Dakota)	\$14,800.00 ea.
Champion Chevrolet		
Bid Item #2	4-5 Passenger 4x4 SUV's w/2-speed transfer case (Chevrolet Tahoe)	\$28,450.00 ea.
Bid Item #4	3/4 Ton 4x4 Extended Cab Diesel Powered Pickup Truck (Chevrolet CK20753) Eight (8') foot bed option add \$106.00 ea.	\$23,669.00 ea.
Bid Item #8	Compact 4-door CNG Sedan w/power windows (Chevrolet Cavalier)	\$18,300.00 ea.
Bill Giles Chevrolet		
Bid Item #8	Compact 4-door CNG Sedan without power windows (Chevrolet Cavalier)	\$17,798.00 ea.
Jones-West Ford		
Bid Item #1	Patrol Sedans w/ABS Brakes (Ford Crown Victoria)	\$22,084.00 ea.
Bid Item #2	4-5 Passenger 4x4 SUV's	\$26,030.00 ea.
Bid Item #9	Mid-size 4-door CNG Sedans (Ford Contour LX)	\$18,900.00 ea.
Southwest Ford		
Bid Item #1	Patrol Sedans w/o ABS Brakes (Ford Crown Victoria)	\$20,265.75 ea.
Winkel Pontiac-GMC		
Bid Item #3	5-6 Passenger 4x4 SUV (1/2 ton Suburban)	\$27,134.00 ea.
Bid Item #5	3/4 ton Diesel Powered Cab and Chassis (GMC Sierra)	\$23,769.00 ea.
Bid Item #6	Compact 4x4 Extended Cab Pickup Truck (GMC Sonoma) CNG engine option add \$ 2,950.00 ea. Tow package add \$ 164.00 ea.	\$17,327.00 ea.

It was noted that the bid will allow the County and joinder agencies to order these vehicles from the successful bidders through June 30, 1999 provided there is no increase in pricing offered; and that vehicles currently being considered for replacement and/or new acquisition by Equipment Services include:

- (6) Patrol Sedans
- (10) Patrol 4x4 SUV's
- (10) 3/4 ton Extended Cab Diesel Powered Pickup Trucks
- (2) 3/4 ton 4x4 Diesel Powered Cab and Chassis for Animal Control
- (6) Compact 4x4 Extended Cab Pickup Trucks, with LPG engine option
- (5) Compact 4-door CNG Powered Sedans

It was further noted that the estimated cost for the above vehicles for Washoe County is \$893,000.00; that Carson City's estimated requirements include:

- (7) Patrol Sedans
- (1) Compact 4x4 Pickup Truck
- (3) Compact 4x4 Extended Cab Pickup Trucks

The estimated cost for the above vehicles for Carson City is \$226,624.00.

98-1039 AWARD OF BID - REBUILD OF CHEVROLET CAPRICE PATROL SEDANS - BID NO. 2119-99 - SHERIFF

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 21, 1998, for the Rebuild of Chevrolet Caprice Patrol Sedans for the Sheriff's Department. Proof was made the due and legal Notice had been given.

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

Winkel Pontiac - GMC

Shaheen Chevrolet was "disqualified" due to the lack of a signature.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Bid No. 2119-99 for the rebuild of Chevrolet Caprice Sedan Patrol Cars for the Sheriff's Department be awarded to Winkel Pontiac-GMC in the net amount \$13,900.00 per rebuild.

It was noted that a total of six vehicles have currently been identified for rebuild; that the County shall reserve the option to have additional units rebuilt by Winkel Pontiac-GMC subject to available funding through September 30, 1999 provided there is no increase in pricing; and that the rebuilds have proved satisfactory in the field.

98-1040 AGREEMENT - W. DALTON SR. & JUANITA S. LARUE DBA: WINNEMUCCA RANCH - OPTION TO ACQUIRE DEEDED LAND - WATER RESOURCES

John Collins, Utility Division Service Manager, reviewed background information regarding this item.

Upon recommendation of Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that an agreement between Washoe County and W. Dalton La Rue, Sr. and Juanita S. La Rue, dba Winnemucca Ranch, concerning providing for exercise of option for Washoe County to acquire deeded land from the LaRues be approved and Chairman Bond authorized to execute the agreement.

98-1041 AGREEMENT - LYNDA L. CLARK, LORI URMSTON & DONNA PRATHER - COURT REPORTING SERVICES - RENO JUSTICE COURT

Upon recommendation of Edward Dannan, Justice of the Peace, Department No. 2, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County and Lynda L. Clark, Lori Urmston and Donna Prather concerning court reporting services for Reno Justice Court be approved and Chairman Bond authorized to execute.

98-1042 SECOND ADDENDUM TO LEASE AGREEMENT - FRITZ, LYNN DBA: FRITZ-LIBERTY CENTER - EXPANSION OF OFFICE SPACE - DISTRICT ATTORNEY - GENERAL SERVICES

Upon recommendation of Jean Ely, Interim Director, General Services Department, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a Second Addendum to a Lease Agreement between Fritz, Lynn dba Fritz-Liberty Center (Lessor) and Washoe County (Lessee), for the purpose of expanding leased space from 9,375 square feet to a total 12,313 square feet for a twenty-eight month period concurrent with the existing lease term to provide additional space for the District Attorney at 350 South Center Street be approved and Chairman Bond authorized to execute.

It was further ordered that a funding transfer in the amount of \$39,700 from District Attorney Account No. 1063G-7610 to General Services Account No. 1611-7340, required to satisfy lease costs through the remainder of the 1998-99 fiscal year, be authorized.

98-1043 THIRD ADDENDUM TO LEASE AGREEMENT - EDWARD F. & CAROL JEAN NEWMAN - LEASE OF OFFICE SPACE - CENTERPOINTE PROFESSIONAL BUILDING - GENERAL SERVICES

Upon recommendation of Jean Ely, Interim Director, General Services Department, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a Third Addendum to a Lease Agreement of July 28, 1992 between Edward F. and Carol Jean Newman (Lessor) and Washoe County (Lessee), concerning extending the term for lease of office space at Centerpointe Professional Building, 865 Tahoe Boulevard, Incline Village, Nevada for an additional twenty-four (24) month period, retroactive to July 1, 1998 and terminating June 30, 2000, be approved.

It was noted that the monthly rent payment will remain the same during this time period; that a new property management administrator will be designated; and that there will be a provision for Lessor compliance with accessibility requirements of the Americans with Disabilities Act and for other terms and conditions as provided therein.

98-1044 LEASE AGREEMENT - SUN VALLEY LANDOWNER'S ASSOCIATION - SENIOR NUTRITION PROGRAM

Upon recommendation of Jean Ely, Interim Director, General Services Department, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a Lease Agreement between the Sun Valley Landowner's Association (Lessor) and Washoe County (Lessee) concerning the lease of space in the Association's Building for a thirty-six (36) month period effective October 1, 1998 and terminating September 30, 2001 and for such other terms and conditions as provided therein to facilitate operation of a satellite location of the Senior Nutrition Program, be approved and Chairman Bond authorized to execute.

98-1045 1998 TAX DELINQUENT LANDS HELD IN TRUST BY WASHOE COUNTY TREASURER - ENGINEERING

Commissioner Mouliot stated that prior to the transfer of titles relating to these tax delinquent properties to governmental entities, he would request that the Board have input regarding properties that may be better utilized for homesites rather than properties being purchased by individuals for potential investments.

Madelyn Shipman, Assistant District Attorney, stated that for all parcels other than those that have been requested by other governmental entities they cannot discriminate as they all go on the auction block; that the procedure utilized by staff is to authorize public entities, cities, housing authorities and other governmental entities to request that certain parcels be set aside for them to purchase for the delinquent taxes; that at this time, the City of Reno Housing Authority has been the only entity who has expressed an interest in the parcel; and that if someone else requested the same property, a procedure would be required to determine which applicant would have first right of acquisition, however, at this time, no one else has requested that parcel, which request has to be from a governmental entity.

Following discussion, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Washoe County Treasurer be authorized to auction all tax delinquent lands held in trust, with the exception of those parcels listed on Exhibit "A" placed on file with the Clerk; and that the following Resolution be adopted and Chairman Bond authorized to execute:

RESOLUTION -- of the Board of County Commissioners of the County of Washoe, Nevada, pertaining to disposition of tax delinquent parcels of real property.

WHEREAS, pursuant to NRS 361.603, local governments are permitted to acquire tax delinquent properties held in trust by the Treasurer of their county by virtue of a deed made pursuant to the provisions of Chapter 361 of NRS; and

WHEREAS, the properties described herein, being tax delinquent, are held in trust by the Washoe County Treasurer, by virtue of a deed made pursuant to Chapter 361 of NRS; and

WHEREAS, the Board of County Commissioners of Washoe County hereby determines that the public interest will be best served by the sale of this property to governmental units.

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

1. The Washoe County Treasurer is hereby directed to give notice of intention to sell tax delinquent properties described in paragraph 3 herein,

to the last known owner or owners of said property, or their heirs or devisees, in the manner provided by law.

2. If the owner or owners of the parcels described in paragraph 3 herein, of their heirs or devisees, fail to redeem the property within the time allowed by law, the Washoe County Treasurer shall transfer ownership of said property to the governmental units in a manner prescribed by law.

3. Tax delinquent parcels to be sold to governmental units.

a. Washoe County Home Consortium:

APNs:

082-092-09

Affordable Housing

b. Washoe County Parks Department

APNs:

016-740-09

Open Space

016-762-14

Open Space

016-762-15

Open Space

016-762-16

Open Space

016-762-17

Open Space

016-764-09

Open Space

084-030-12

Open Space

084-030-14

Open Space

c. City of Reno Housing Authority:

APN:

004-300-02

Affordable Housing

d. Washoe County Parks Department and Washoe County Home Consortium

APNs:

012-111-02

Open Space & Affordable Housing

012-111-12

Open Space & Affordable Housing

012-111-18	Open Space & Affordable Housing
012-111-19	Open Space & Affordable Housing
012-111-22	Open Space & Affordable Housing
012-111-28	Open Space & Affordable Housing
012-111-31	Open Space & Affordable Housing
012-111-32	Open Space & Affordable Housing

98-1046 COMPREHENSIVE PLAN AMENDMENT APPLICATION - GLORIA BERGENDAHL - REFUND OF FEES - COMMUNITY DEVELOPMENT

Dean Diederich, Planning Manager, Department of Community Development, reviewed background information regarding this item advising that this request for a refund of application fees was staff initiated; that staff has not had any contact with the applicant since March, 1998; that their fees have been very minimal in this case; and that the proposed refund of \$7,221.00 is based on a standard rate of \$30.00 per hour.

Chairman Bond disclosed that she had spoken with Priske-Jones Nevada, representing applicant Gloria Bergendahl who requested that the refund not be granted as they desire to keep the application open.

Ken Hendrix, Division Manager, Priske-Jones representing the Bergendahl family, advised they have no intentions of abandoning the property; that they have had numerous problems associated with the land; that until the Alturas power line is constructed, they cannot determine what impacts it may have on their property and whether they change their land use plan, depends on that determination; and they would desire to keep the application open until they can make the right decision on behalf of the property owner.

Mr. Diederich advised that if this application is closed and the Board elected to grant the refund, the applicant would be required to submit another application which would be based on the current fee schedule; and that they would anticipate that the current application would require substantial modifications to the original application due to the Alturas project.

Kelly Probasco, Past Chairman, Cold Springs Community Association, Board, stated that he spoke with the current Chairman of the Cold Springs Association who was unable to attend today's meeting requesting that the Board support staff's recommendation to refund the application fees as this process has been ongoing for too long. Mr. Probasco stated that if the Board desires to keep the application open this item should be placed on their Citizen Advisory Board agenda for next month and he would like a representative from Friske-Jones to be present at that meeting.

Madelyn Shipman, Assistant District Attorney, stated that in this case, the Board only needs to determine whether they desire to start a new process or to close out an existing process that began in September, 1996; that the Development Code does not have a specific time frame for determining how long an application can remain open, however, the law does infer a reasonable time frame; and that the Board should make a determination as to what the time frame should be.

Chairman Bond stated that she would not oppose leaving the application open for a short time to enable the applicant to ascertain the impacts

of the Alturas project.

Commissioner Shaw stated that he does not concur with Chairman Bond; that deadlines are imposed for certain reasons; that if Priske-Jones had concerns about the Alturas project they should have come before the Board prior to this time; that he does not feel comfortable negotiating at the last minute; and that he would support staff's recommendation for a refund in this case.

Commissioner Galloway stated that the main concern is whether this application would go forward in a reasonable length of time and suggested that perhaps the Board could table this matter and direct staff to bring it back to the Board if there has been no indication of progress being made on the application within 90 days.

Dean Diederich advised that 90 days would be a reasonable length of time to leave the application open, however, if staff has not received correspondence from the applicant directing them to start reprocessing the application within this 90-day time frame, they would return to the Board with a refund request.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Shaw voting "no", Chairman Bond ordered that this request be tabled for 90 days, with the stipulation that if staff has not received correspondence from the applicant indicating a continuance of the project and the reprocessing of the application within 90 days, and if applicant has not made a presentation to the Cold Springs Advisory Board next month regarding their intentions with regard to the project, that this request for refund of application fees be brought back to the Board.

98-1047 DEVELOPMENT CODE AMENDMENT APPLICATION DCA98-7 (FPE/G&G NURSERY) - REFUND OF FEES - COMMUNITY DEVELOPMENT

Catherine McCarthy, Department of Community Development, reviewed background information regarding a request by the applicant for a refund of application fees.

Chairman Bond stated that she does not desire to "open the barn door" by setting a precedent regarding the refund of application fees as this same request was considered on the previous item.

Dean Diederich, Planning Manager, Department of Community Development, stated that in most cases, if a staff report has been prepared for the Planning Commission, they are usually reluctant to recommend a refund; that as a result of this application being withdrawn prior to a staff report being initiated and prior legal noticing of this case, the procedure followed by staff is one that has been utilized in the past under these circumstances.

Commissioner Camp disclosed that her company does business with FPE, however, they were not involved with this particular project.

Commissioner Galloway inquired if any portion of the application clearly states to the applicant that the fee is non-refundable and Mr. Diederich advised that they are lacking a clear policy and language in the ordinance regarding the refund of application fees; that approximately 10% of the applications received monthly are withdrawn within a one or two-week period; and that due to staff's minimal investment in staff time and due to the fact that the applicant has reassessed why they submitted the application in the first place, these types of refunds are processed

in-house as a full refund as there has not been an analysis by any department, and in this case a formal hearing process was never initiated.

Chairman Bond stated that staff has not calculated their travel time, time spent at CAB meetings as well as time spent at County Commission meetings regarding these issues.

Commissioner Galloway stated that in his opinion, this request should be denied at this time; that staff could be directed to return with a policy to correct this procedure; that perhaps this request could be considered at a later as part of a new policy, however, if a refund is granted, a portion of the fee should be retained by the County.

Commissioner Shaw stated that he would support a new policy, although he does believe it would be appropriate to determine the outcome of this particular case as it should be considered on its own merits.

Commissioner Camp stated that in this particular case, G&G Nursery has listened to the CAB's concerns and is withdrawing the project as they have seen that the neighborhood does not desire the project.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the request for a refund of \$796.00 representing application fees for Development Code Amendment DCA98-7 (FPE/G&G Nursery) application be denied.

98-1048 PRESENTATIONS & SELECTION - CONTRACT LOBBYING FIRMS & PROFESSIONAL SERVICES AGREEMENT

Jay Palmer, President, American Strategies, stated that his company is an issues management firm specializing in legislative and regulatory affairs, problem solving and issue advocacy accomplished through traditional lobbying and strategic communications for the purpose of gaining support and negating opposition to their clients public policy agendas. Mr. Palmer reviewed his client list and answered questions of the Board regarding how he would handle conflict of interest situations with regard to the representation of other clients during the legislative session stating that he has reviewed the County's bill drafts to determine their priorities; and that he would estimate their fee structure to be \$10,000 per month during the legislative session.

Pat Coward, Managing Partner, Carrara Nevada, reviewed background information regarding his company advising that their focus is primarily government affairs, public relations, campaign and non-profit fundraising and events planning with over 50 years experience in the State of Nevada. Mr. Coward discussed key people in the organization and introduced Joan Lambert who previously served in the Nevada State Assembly for seven legislative sessions and reviewed their client list. Mr. Coward then answered questions of the Board regarding staff support and organizational issues.

Commissioner Mouliot inquired whether Carrara Nevada would be representing the City of Reno during the legislative session and Mr. Coward advised that his firm would not be representing the City of Reno, however, if they were chosen to represent Washoe County in the legislature, the County would have the right of refusal if a conflict of interest should occur. Commissioner Mouliot then inquired if Ms. Lambert had been retained by the City of Reno and she stated that she had not.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the firm of Carrara Nevada be selected as Washoe County's lobbyist during the 1998-99 Nevada Legislature; and that staff be directed to negotiate a Professional Services Agreement concerning same.

98-1049 INVOLUNTARY ANNEXATIONS - STAFF DIRECTION

Commissioner Galloway stated that this item was placed on the agenda at his request to determine if the Board desires to have a staff member from the Department of Community Development present regarding an Annexation Commission meeting to be held tomorrow evening.

Madelyn Shipman, Assistant District Attorney, stated that Washoe County has a clear role in the annexation proceedings particularly with regard to County parks; that although tomorrow's proceedings involve specific annexations of individual properties and parcels within certain islands, Washoe County, under the statute, would still have the right to withhold its consent regarding County property; and that from the Parks Department standpoint regarding neighborhood parks, openspace and trails owned by the County, they do not desire to maintain these properties which would be entirely surrounded by the City and enjoyed by individuals who have paid for them initially through residential construction tax. She then discussed a proposed motion recommended by staff advising that the annexations could still be approved on a conditional basis with regard to neighborhood parks, community parks, openspace and trails not including regional parks and Interlocal Agreements to be drafted with additional community issues addressed as well.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Dean Diederich or another representative from the Department of Community Development appear before the Annexation Commission on October 28, 1998 to state the County's position regarding involuntary annexations subject to the following conditions:

1. That (with the exception of donated parcels) these County-owned areas be deeded to the City and operated and maintained by the City as proposed in the respective annexation agreements.
2. That City will, within 60 days, execute the Agreements for Annexation concerning Neighborhood/Community Parks, Openspace, and Trails. The County asks that these same conditions be made part of any approval by the Annexation Board. The County does not consent to annexation of its Regional facilities, specifically Rancho San Rafael and Washoe Golf Course. The County does not consent to annexation of a certain non-park parcel, Annexation Island 18, Parcel No. 18-164-07. If the requested conditions are not imposed by the Annexation Board, the County does not consent to annexation of any parcels described above.

98-1050 BILL NO. 1214 - ORDINANCE NO. 1038 -SCHEDULE OF RATES AND CHARGES - RECLAIMED WATER SERVICE

5:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on September 27, October 6, 16 and 21, 1998 to consider second reading and adoption of Bill No. 1214. Proof was made that due and legal notice had been given.

Ed Schmidt, Director, Department of Water Resources, advised that since the first reading of this ordinance held on September 15, 1998, staff has met with members of the Builders Association of Northern Nevada and the Regional Water Planning Commission; that presentations were made at the Water Resources Department and comments received from Sierra Pacific Power Company; and that as a result, several changes

have been incorporated into the ordinance which he then reviewed for the Board.

Chairman Bond opened the public hearing and called on anyone wishing to speak for or against the proposed ordinance.

Mike Buschelman, Chairman, Regional Water Planning Commission, stated that they reviewed language contained in the ordinance; that what is not incorporated into the ordinance is their desire to participate at a later date as effluent being contributed increases water rights that may be dedicated as part of the schedule in the ordinance; that these water rights may become available for other uses at a later date; that they would like an opportunity to review the water rights to ascertain how they could best be used, however, they do support the ordinance.

Richard Campbell, Jr., attorney representing The Wolf Run Golf Club, reviewed correspondence dated October 27, 1998 which he distributed to the Board regarding history concerning construction of the golf course and an agreement between Washoe County, the John Shaw Field Estate and Nev. Cal Developers regarding the provision for water service, annexation into the South Truckee Meadows General Improvement District, reclaimed effluent for the golf course, and deeded land for well sites, etc.

Mr. Campbell advised that after meeting with staff regarding the ordinance, they were informed that in order to participate and receive effluent water for the golf course, they would be obligated to pay a hookup fee or dedicate another 110 acre feet of surface water rights; that they would also be obligated to pay 55 cents per thousand gallons which is not what they originally anticipated; that the proposed fees would change the dynamics of a "deal" struck with the University, the Foundation, the developers and the golf course operators; and that they believe that Section 1.5 of the proposed ordinance relating to exemptions should apply to the Wolf Run Golf Course as these fees were not included in the original contract.

John Collins, Utility Services Division Manager, stated that Wolf Run was not required to pay hookup fees; that facilities were being constructed at that time to deliver effluent to the golf course; that hookup fees were not required as long as they did not use more effluent than the amount of water their golf course architects had indicated to staff that the system was designed for; that they informed them that they had only transferred at this point 177 acre feet of water to be used on the golf course, and until such time as there was sufficient effluent, they would have to either come up with some other water rights or they would not deliver the full amount to them; and that they are in the special assessment district which covered the infrastructure.

Commissioner Shaw stated that he does not understand why Mr. Campbell or other representatives from Wolf Run did not express their concerns prior to today's meeting.

Madelyn Shipman, Assistant District Attorney, stated that although representatives from Wolf Run may be requesting a hardship determination, the Board is not in a position to render a decision on this issue tonight; and that Section 1.5 of the ordinance addresses "relief on application" where special circumstances might be required.

Mr. Campbell stated that it was not his intention to request a special exemption at this meeting; that he was present to respond to public comments regarding the ordinance as they are an interested party; that they do not oppose the ordinance; and that he wanted to clarify they have special circumstances as Wolf Run "cut a deal" thirteen years ago; and that they will take whatever steps are necessary to reap the benefit of the deal entered into in the past.

Chairman Bond advised Mr. Campbell that staff would be willing to review the issues presented.

Commissioner Galloway stated that if comments made by Wolf Run could be satisfied by the provision in the ordinance previously addressed by Ms. Shipman, then the ordinance would not be flawed; and that the Board could proceed with the ordinance without guaranteeing that Wolf Run would receive relief, although there is a mechanism for doing so if warranted.

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

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bill No. 1214, Ordinance No. 1038, entitled, "AN ORDINANCE ADOPTING REQUIREMENTS AND A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE BY WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL RECLAIMED WATER USERS WITHIN THE CERTAIN AREAS, REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT," be approved, adopted and published in accordance with NRS 244.100.

COMMISSIONERS'/MANAGER'S COMMENTS

Commissioner Shaw requested a workshop regarding policies establishing guidelines for the refund of application fees.

There being no further business to come before the Board, the meeting adjourned at 5:30 p.m.

JOANNE BOND, CHAIRMAN
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk