

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

9:00 A.M.

JANUARY 24, 1995

PRESENT:

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

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

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. 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:

95-48 WORK CARD PERMIT APPEAL - PAMELA D. SILVIA

This appeal was considered on Monday, January 23, 1995, at 1:30 p.m., with all members of the Board in attendance with Chairman Shaw presiding.

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, the Board convened in a closed personnel session to hear the appeal of Pamela D. Silvia from the recommendation of the Sheriff's Department to deny the issuance of a work card to work in Mama Louisa's Child Care Center. Following the closed personnel session, the Board reconvened in open session wherein the Board took the following action:

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, it was ordered that the appeal of PAMELA D. SILVIA be accepted and her application for a child care worker at Mama Louisa's Child Care Center be approved and the work card issued subject to the following provisions: (1) the employer receive full disclosure of her criminal record, (2) the work card be revoked if employed by another child care facility, (3) the administering of at random drug testing to be worked out by the Sheriff's Department, and revocation if the results indicate the presence of a controlled substance, (4) and the payment of the outstanding fines to be taken care of as quickly as possible. Commissioner Sims advised that he wants the issuance of the work card to take place upon her passing a drug test now.

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the agenda for the January 24, 1995,

meeting be approved with the following amendments: Delete Items 12C, proposed new classifications; 13B, Social Services Advisory Board reappointments; and 18, Memorandum of Agreement with Sierra Pacific Power Company concerning cooperative water planning.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of December 27, 1994, be approved.

95-49 LEGISLATIVE UPDATE

Mary Henderson, Government Affairs Director, briefed the Board regarding activity at the State legislature stating that the 1995 session is getting off to a slow start due to the organization of the Assembly and because there are so many new members. She stated that 140 bills were pre-filed and she estimates that approximately 50 of those affect Washoe County in some way; that only three of the bills from the County's legislative packet have come back from the drafter so far and should be introduced after January 30th; and that those are the tax increase for family court, the district court filing fees, and the marriage commissioner issue at Lake Tahoe. She also explained that staff will be monitoring activity regarding the State budget very closely as the Governor has several proposals in it that would be good for Washoe County which include reinstatement of some funding for mental health facilities, rural health clinics, and caseworkers for child and family services. Ms. Henderson further stated that Assemblyman Ernaut will be introducing the "Ponderosa County" bill and that it is the Assemblyman's intent that it be heard in committee. She also said that the Sheriff's and Chief's Association is planning to propose legislation that will eliminate the need for the Sheriff to serve papers, shifting more of that to privatization and to the Constables; that there is a bill increasing the Constable fee for that to \$50; and that Clark County will be proposing some infrastructure and home rule legislation, but the bill drafts are not out yet.

Ms. Henderson also explained the bill analysis and bill tracking procedures that staff is doing in conjunction with the Cities of Reno and Sparks and answered questions of the Board. The Board requested that it be provided a running summary of all the bills affecting Washoe County, which includes the bill status updated regularly, a listing of membership on all the committees, and written reports.

95-50 TRUCKEE MEADOWS HUMAN SERVICES ASSOCIATION - PRESENTATION BY SUZANNE RAMOS, PRESIDENT - 1994/95 LEGISLATIVE AGENDA

Pursuant to questions at Caucus, County Manager John MacIntyre explained that the Truckee Meadows Human Services Association is an organization created to bring together all the executive directors of the

various non-profit organizations providing human services within the Truckee Meadows; that the Human Services Consortium is made up of staff from the three local governments whose purpose is to coordinate and consolidate the grant application process and the grant funding provided by the two Cities and the County; and that the consortium is a product of the Truckee Meadows Human Services Plan that was adopted in 1992.

Suzanne Ramos, President, Truckee Meadows Human Services Association, stated that the Association's top three priorities for the 1995 legislative session are welfare reform, funding for family resource centers, and universal health coverage, and the organization is requesting that the Board support their legislative agenda.

In response to Commissioner Sims, Ms. Ramos described a family resource center as a neighborhood facility where individuals can go to get help and/or direction in obtaining the assistance they need whether it be basic human needs, job opportunities, etc. Commissioner Sims stated his hope that accountability be built into the program by way of a tracking system in order to keep track of people's progress on their way to becoming self-sufficient as well as to identify those that are abusing the system. Ms. Ramos stated that they are starting a case management program at the Glen Duncan Center.

Commissioner Sims also stated that he would not support a health care program unless it includes preventative health care with the idea of cost containment. Ms. Ramos agreed that preventative care would have to be included, however, such a program has not been completely outlined as yet.

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that the concept of the Truckee Meadows Human Services Association legislative agenda be supported by the Board but any specific legislation not be endorsed until such time as bills are reviewed.

95-51 ORDINANCE NO. 926, BILL NO. 1101 - AMENDING WCC CH. 110
(DEVELOPMENT CODE) - ACCESSORY USES AND STRUCTURES

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on January 13, 1995, to consider second reading and adoption of Bill No. 1101. Proof was made that due and legal notice of hearing has been given.

Dean Diederich, Department of Comprehensive Planning, was present and answered questions of the Board. Chairman Shaw inquired as to the agricultural slaughtering of animals and Mr. Diederich confirmed that it applies only to animals raised on site and does not allow for someone to slaughter animals brought in by others. Commissioner Bradhurst expressed concern that there is no provision regulating how large an accessory building can be. Mr. Diederich stated that he will relay the concern to the Planning Commission to be addressed.

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

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Ordinance No. 926, Bill No. 1101, entitled, "An Ordinance amending Chapter 110 of the Washoe County Code (Development Code) to readopt Article 306, Accessory Uses and Structures, thereof to incorporate previous amendments to said article which were inadvertently omitted with the adoption of Ordinance No. 899," be approved, adopted and published in accordance with NRS 244.100.

95-52 AWARD OF BID - WASHOE COUNTY GOLF COURSE RESTROOM RENOVATION
BID NO. 1816-95 - BUILDINGS & GROUNDS

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 January 10, 1995, for Washoe County Golf Course Restroom Renovation on behalf of the Buildings and Grounds Division of the General Services Department. County Manager John MacIntyre noted that this is necessary to bring the restroom up to the Americans with Disabilities Act (ADA) standards. Proof was made that due and legal Notice to Bidders had been given.

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

F. Evans Construction, Inc.
United Construction Company
Cram Construction
Fettig Construction
T & C Construction
Southwest Builder's & Development Inc.

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that Bid No. 1816-95 for Washoe County Golf Course Restroom Renovation on behalf of the Buildings and Grounds Division of the General Services Department be awarded to the lowest responsive and responsible bidder, F. Evans Construction, Inc., in the amount of \$44,800.00. It was further ordered that the Purchasing and Contract Administrator be authorized to execute the agreement for the renovation project pursuant to the terms and conditions of the bid as awarded by the Board.

95-53 CORRECTION OF TAX BILLS - 1994 SECURED ROLL

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Roll Change Request No. 10, correcting a factual error on a tax bill already mailed for the 1994 Secured Roll be approved for the reasons indicated and mailed to the property owners, a copy of which is on file in the Clerk's office.

95-54 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 - 217.350, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw 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 medical or psychological treatment for 7 sexual assault victims in an amount totaling \$2,089.00 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated January 6, 1995, and placed on file with the Clerk.

95-55 REIMBURSEMENT OF TRAVEL EXPENSE FOR TWO NEWLY ELECTED COUNTY OFFICIALS

Upon recommendation of John MacIntyre, County Manager, on motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that Commissioners Bond and Mouliot be reimbursed for lodging and registration expenses incurred for their attendance at the Nevada Association of Counties' 1994 Annual conference held in Winnemucca, Nevada, November 16 through 18, 1994.

95-56 TRAVEL

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the following travel requests and advancement of travel funds be approved:

Name	Department	Destination	Date	Amount
C. Lee	Sheriff	San Francisco, CA	3/08/95	\$501.80
T. Wiley	Sheriff	Las Vegas, NV	2/06/95 2/10/95	300.00
J. Yaryan	Sheriff	San Francisco, CA	3/08/95	88.00

95-57 TRANSFER OF POSITION NO. 116 - ADMINISTRATIVE ASSISTANT FROM SHERIFF'S DEPARTMENT TO PERSONNEL DIVISION

Upon recommendation of Lisa Gianoli, Finance Department, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the request of the Sheriff and the Personnel Director to transfer Position #116, and the associated dollars, from the Sheriff's Department to the Personnel Division be approved. It was noted that the position being transferred is an Administrative Assistant that will be reclassified to a Personnel Analyst assigned to the Sheriff's Office.

95-58 ESTABLISH PERMANENT PART-TIME REGISTERED ENGINEER POSITION -
PROJECT MANAGEMENT - PUBLIC WORKS DEPARTMENT

County Manager John MacIntyre explained that the request before the Board is to change a temporary classification to a permanent, part-time classification in order to allow Floyd Vice, retired Washoe County Public Works Director, to continue as project manager overseeing the construction of Kids Kottage II without violating the Public Employees Retirement System rules. Commissioner Bond asked if the position will be eliminated when the project is completed; and Mr. MacIntyre stated that it will.

Upon recommendation of Robert Jasper, Assistant County Manager, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the addition of a permanent part-time registered engineer position in the Public Works Department be approved.

95-59 ADDITION OF .5 FTE CLERK TYPIST I - COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the addition of a 0.5 FTE Clerk Typist I position for the Comptroller's office be approved. It was noted that the Comptroller has reorganized the Accounts Payable Division and downgraded a vacant Senior Account Clerk position to an Account Clerk; and that the resultant salary savings will cover most of the costs of the half-time Clerk Typist I position.

95-60 APPOINTMENTS - CRIMINAL JUSTICE ADVISORY COMMITTEE

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Commissioner Mouliot be appointed to the Criminal Justice Advisory Committee and that Commissioner Bradhurst be appointed as the alternate to the same committee.

95-61 REQUEST TO LOCATE MONUMENT HONORING ALL NEVADANS WHO SERVED
IN WORLD WAR II ON COUNTY PROPERTY

Major General Douglas Byington, Retired, Chairman of the Military Affairs Committee of the Greater Reno-Sparks Chamber of Commerce appeared before the Board to request permission to site a monument to all Nevadans who served in World War II on County property. He explained that their goal is to dedicate the monument in a rather extensive ceremony on Veteran's Day, November 11, 1995, which will be the culmination of all the events that will be happening this year in celebration of the 50th anniversary of the end of World War II. General Byington stated that there is a site on the corner of Virginia and Court Streets where the County has a nice diagonal area that would be an ideal location for the monument except for the unsightly newspaper racks near there.

County Manager John MacIntyre asked the General if they had

considered the new courthouse site. General Byington stated that they had not, but that they would be glad to take a look at the plans.

Following further discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that permission be granted for the Greater Reno-Sparks Chamber of Commerce to place a monument to all Nevadans who served in World War II on County property subject to final Board approval of the specific site that is chosen.

95-62 RESOLUTION - REQUESTING ASSISTANCE OF ATTORNEY GENERAL IN THE PROSECUTION OF A CRIMINAL MATTER - DISTRICT ATTORNEY

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

RESOLUTION - Requesting the assistance of the Attorney General in the prosecution of a 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 been involved in the prosecution of a case against Robin McGillvray, case number CR94-2075, involving allegations of child abuse; and

WHEREAS, the defendant was formerly represented by John Helzer, Assistant District Attorney in the criminal division of the Washoe County District Attorney's Office; and

WHEREAS, based upon Mr. Helzer's former representation of the defendant, the Washoe County District Attorney's Office cannot proceed with the prosecution of this matter due to 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 responsibility for the handling of the criminal prosecution in the case of State of Nevada v. Robin McGillvray, case number CR94-2075.

2. That should the Attorney General agree to assume responsibility for the handling of this matter, 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, handling of said case.

95-63 REISSUANCE OF TRPA RESIDENTIAL ALLOCATIONS - INCLINE VILLAGE
PERFORMING ARTS CENTER - DEVELOPMENT REVIEW

Romany Woodbeck, Department of Development Review, provided background information regarding the request by a group of Incline Village residents to transfer four multiple-family allocations to proposed residential parcels in order to facilitate the development of a children's performing arts center. She stated that the Board reviewed this in December and, at that time, directed that the proposal be presented to the Incline, Village Citizen Advisory Board; that the CAB reviewed the proposed project at their January meeting; and that the CAB is in support of the reissuance and the project. Ms. Woodbeck further explained that the County has not permitted allocation transfers in the past; that staff feels a policy should be adopted to establish criteria required for such transfers; and that the criteria should include that the transfer facilitates a benefit to the community and the project be non-profit.

Commissioner Mouliot expressed concern that there might be children turned away. Terry Ward, applicant, assured him that that absolutely will not happen and stated that their main focus is to enable all children to have this opportunity.

In response to other questions from the Board, Ms. Ward advised that they have just received their non-profit status. Gregg Lien, attorney representing applicant, also addressed the Board and advised that transfer of the allocations will not occur until transfer of title to the fully qualifying charitable organization has-occurred.

Following further discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that reissuance (transfer) of four multiple family TRPA allocations from APN 132-231-14 to APN's 127-021-03 and -04 in order to facilitate the establishment of a children's performing arts center which will be a benefit to the community be approved subject to the following conditions:

1. The applicant provide proof of the Children's Performing Arts Academy non-profit status to Department of Development Review staff;
2. The applicant provide proof of the transfer of deed for the property at APN 132-231-14 to the Children's Performing Arts Academy.

It was further ordered that the Board adopt the following policy:

A transfer of residential allocations shall only be permitted when the transfer facilitates a benefit to the community and a non-profit project will be built on the site from which the allocations are being transferred.

RESOLUTION - COUNTY PARTICIPATION IN THE EIR/EIS PROCESS FOR
SIERRA ARMY DEPOT'S APPLICATION FOR OPEN BURNING, OPEN DETONATION
AND DEACTIVATION FURNACE HAZARDOUS WASTE TREATMENT FACILITIES

Pursuant to discussion at Caucus, County Manager John MacIntyre reviewed language changes suggested in the resolution supporting County Participation in the Environmental Impact Report and Environmental Impact Statement (EIR/EIS) process for the Sierra Army Depot's applications for open burning, open detonation and deactivation furnace hazardous waste treatment facilities. Brian Jennison, District Health Department Air Quality Management Director, provided the Board a copy of the revised resolution.

Commissioner Bradhurst suggested one more change to the resolution, that being adding "Washoe County" to the second "RESOLVED" so that it reads, "RESOLVED that Washoe County and the District Health Department participate fully in the parallel environmental review process being conducted by the State of California;" and stated that other staff besides the District Health Department should also be participating, specifically Don Mahin, Hydrologist with the Department of Comprehensive Planning, because of his extensive involvement with the Truckee Meadows Project in the Honey Lake Valley, and the staff involved with natural resources.

Mr. Jennison agreed that this is a county-wide matter that concerns many agencies, not just air quality, and further stated that the Health Department needs to maintain objectivity as they will be required to evaluate the methodology, the modeling techniques and other aspects of the EIR/EIS.

David Farside, Sparks resident, pointed out that the Army has already admitted that there is ground water contamination at Herlong which they have to clean up, and the problem is that it is not known at what speed that contamination will migrate to Washoe County. He stressed that the following questions need to be answered: What does the Army have at Herlong? Are there copies of inventories, logs, and internal audits of what they have had? What is the disposal process? What has been disposed of in the last 20 years and how has that affected the environment? Are there chemical weapons, nerve agents, biological weapons, mustard gas, or anything nuclear or radioactive at the Depot? Mr. Farside also stated that the County needs to ask whether the government plans to designate Herlong as a "sacrifice zone" explaining that that is where the government brings in toxic, hazardous waste materials, disposes of it, and then mitigates (compensates for) any environmental or health damage it causes. He further suggested that the District Attorney look into an injunction to stop any further disposal of hazardous or toxic materials until all the questions are answered.

Commissioner Bradhurst noted that the California study will stop at the State line, but the impacts of the activities at the Sierra Army Depot might not stop at the State line.

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that:

1. The following resolution be adopted, as amended, and that Chairman Shaw be authorized to execute on behalf of Washoe County:

RESOLUTION

IN SUPPORT OF PARTICIPATION IN THE EIR/EIS PROCESS
AT THE SIERRA ARMY DEPOT

WHEREAS, The Board of Commissioners of Washoe County is the governing body for Washoe County and is charged by Nevada state law with the responsibility for protection of the public health, safety and welfare of all of its citizens; and

WHEREAS, the Washoe County District Board of Health is charged with the responsibility to protect the public health and safety, including air quality management, and to maintain the quality of the environment; and

WHEREAS, the Sierra Army Depot is located in Herlong, California, within five miles of the border of Washoe County, and has applied for a permit under the Federal Resource Conservation and Recovery Act (RCRA) for the open burning/open detonation and incineration of obsolete ordnance; and

WHEREAS, there exists a reasonable likelihood of environmental impact upon Washoe County from said activities, and citizens of Washoe County have expressed concern for additional information about and increased participation in the environmental review process concerning this facility; and

WHEREAS, the mechanism exists under the Federal National Environmental Policy Act (NEPA, 42 USC 4321-4347) for Federal facilities, and projects of concern to more than one state, to be reviewed under the Federal Environmental Impact Statement process; and

WHEREAS, both the County and the State of Nevada have standing in this matter to request a fuller participation in the environmental review process than is afforded simply by participation in the State of California's review process under the California Environmental Quality Act, now therefore, be it

RESOLVED BY THE WASHOE COUNTY BOARD OF COMMISSIONERS that an Environmental Impact Statement be performed, as prescribed by the provisions of the National Environmental Policy Act, on the Sierra Army Depot RCRA permit application for open burning/open detonation and incineration; and be it further

RESOLVED that Washoe County and the District Health Department participate fully in the parallel environmental review process being conducted by the State of California; and be it further

RESOLVED THAT THE WASHOE COUNTY CLERK is hereby directed to forward this resolution to the Washoe County District Board of Health with the best wishes of the Washoe County Board of Commissioners and their support in this effort.

* * * * *

2. A request be made to the Governor that he support this resolution and that in doing so, he send a copy of the resolution to northern Nevada's congressional delegation with a letter requesting their support for a full environmental impact statement process, and to other relevant federal and State of California agencies. 3. A copy of the resolution with a cover letter be sent to the Lassen County Board of Supervisors to inform them of this Board's actions.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 11:30 a.m.



JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk

