

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. DECEMBER 12, 1995

PRESENT:

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

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

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

3:00 P.M. - ADDENDUM/EMERGENCY ITEM

95-1079 GRAND JURY INVESTIGATION CV94-04273, IN RE MAI LIN STAFFORD - SOCIAL SERVICES DEPARTMENT REPORT

3:00 p.m. This was the time set in a duly noticed Addendum to the December 12, 1995, meeting agenda for the Board to receive and consider the Department of Social Services response to the Grand Jury Investigation and Report regarding CV94-04273, In Re Mai Lin Stafford, which was determined to be an emergency item.

Chairman Shaw presented opening remarks stating the Board's commitment to making changes that will improve the system to make Washoe County a better, safer place for all children, and established a format to be followed for these proceedings.

May Shelton, Director, Department of Social Services, stated that the report previously distributed to the Board was prepared to respond to the Grand Jury report factually, to clarify, and to provide explanations. Ms. Shelton also drew the Board's attention to other documents and exhibits included with the report, all of which were placed on file with the Clerk. She stated that the Department believes that the Grand Jury report can serve as an impetus to strengthen the child protective services system. She then reviewed the report in detail reading several sections from it and cited statistics regarding the number of cases handled by the Child Protective Services staff.

Mike Melner, attorney at law, stated that the Grand Jury report speaks for itself; that the Grand Jury worked very hard for over a year investigating the Mai Lin Stafford case; and that they felt that a number of things "went wrong" and the death could have been prevented. He stated that he agreed with Ms. Shelton in that everyone is concerned about making the system work better. Mr. Melner further advised that all the information provided to the Grand Jury was given to them by the Washoe County Social Services Department, and that they fully recognized the volume of work and financial constraints the agency has to deal with. Mr. Melner stated that it is important to note that no judge ruled on the correctness of placing the child back in the home prior to doing so, and that it cannot be stressed enough that that review should occur before a child is placed back in an abusive home.

The Board then asked Mr. Melner questions regarding specific recommendations made by the Grand Jury. Commissioner Sims asked why the Child Welfare League of America was recommended as the agency to conduct a management audit of Social Services. Mr. Melner responded that they are nationally accredited and highly respected but that any professional organization would be fine. Commissioner Bradhurst asked about the recommendation that there needs to be better communication and coordination between all the parties and whether or not Mr. Melner feels the monthly meetings Ms. Shelton described between Social Services, the District Attorney's office and all the law enforcement agencies fulfills that recommendation. Mr. Melner stated that he is not sure that

that is enough, noting specific issues from the Stafford case regarding how information was communicated between the parties, specifically law enforcement and the District Attorney's office, pointing out that the Grand Jury could not find appropriate contact about the Stafford case. Commissioner Bradhurst also asked if the Grand Jury was aware of the policy adopted in 1995 which requires case workers to secure court approval to return any child under 5 years of age to the parents when there has been a court finding of a child in need of protection. Mr. Melner stated that they were not aware of the new policy and that he is very glad to hear it.

In response to other questions, Mr. Melner stated that the Grand Jury wants to be sure the County Commission is educated about the problems the agencies have to deal with, as their concern is that law enforcement and the executive and legislative branches of County government know and understand what is happening.

Ms. Shelton completed reviewing the Department's report and then responded to each of the 8 recommendations made by the Grand Jury stating the Department's concurrence with each one and noting where new policies have already been adopted. She then answered questions of the Board regarding qualifications of the investigative workers in the Department, the 100 percent increase in a year's time of the number of bed days needed for emergency and foster care for children, and legislative changes that might be necessary to enable the Department to do a better job of protecting children. Ms. Shelton also explained Department procedures and noted that the case workers must rely on information from many different sources, such as law enforcement officers, doctors, therapists, family members etc., in making their determinations in these cases.

Family Court Judge Scott Jordan stated that when he read the Grand Jury report, he viewed the recommendations as two types: systematic, with which he agrees, and personal/personnel, which he does not agree with. He stated that Ms. Shelton and Mr. Melner are both correct and saying the same thing in that everyone has an obligation to work as a team and make the system work better for the children; and that the Family Court is committed to improving the system. In answer to questions posed by Commissioners Sims and Bradhurst earlier, Judge Jordan stated that they began a process in conjunction with the National Judicial Council of Juvenile Judges about four months ago whereby they are comparing the system and procedures used here to processes used around the country, and they believe that the system used in Cincinnati, Ohio, is the best system in the country. He explained that in Washoe County, the Social Worker is usually the only person who comes to court acting as the spokesperson for all the other agencies, i.e., law enforcement, doctors, therapists, etc.; that sometimes they have written reports from the other agencies which the Social Worker reviews; and that with this system, it is difficult for a Judge to get to the bottom line when they only hear from the Social Worker and the child's parents. Judge Jordan further explained that in the system used in Cincinnati, everybody involved appears in court and provides their own testimony, which gives the Judge a much broader picture of what is going on; and that he feels that would greatly improve the court function and would also serve in the role of outside reviewers because then the decisions made affecting a child would be made by a team and would not be on the shoulders of one person. Judge Jordan also pointed out that the problem with that system is money, as it would require additional resources being allocated to the program. He also explained the difference between child neglect and child abuse, described the statutory requirements in proving abuse, and discussed the harm that is caused when a child is removed from a home versus keeping a child with its parents and providing needed services to the parents to prevent the neglect/abuse, which is a much better solution, but also requires additional financial resources. Judge Jordan also stated that Ms. Shelton was correct when she stated that much of the child abuse is directly related to drug use, and the use of methamphetamines is a terrible problem in this community. He then discussed some of the programs being tried in Judge McGee's drug court to get and keep these parents off drugs.

Commissioner Bradhurst questioned what occurs if these families leave the area and whether there is any way to track the children. Judge Jordan and Kathleen Shane, Director of Child Protective Services Division, explained the statutory requirements and steps that are taken when the Department knows where a family has gone. Ms. Shane also explained that all substantiated claims of abuse or neglect are reported to a central registry maintained by the State Division of Child and Family Services and the procedure followed if a child's name appears in the central registry a second time.

Thom Reilly, Deputy Administrator of Child and Family Services, Nevada State Welfare, stated that he would like to encourage the Commission to seriously consider the recommendations; that a lot of these deaths statewide are preventable; that the State considers child abuse a very serious problem; and that the State will assist the County in any way they can. Mr. Reilly also discussed other programs being used in other jurisdictions and stated that he would supply information to Ms. Shelton and the

Board.

Family Court Judge Charles McGee stated that as painful as this process has been for everyone involved, he believes that it has been a healthy process, as it has been a "giant" Death Review Committee inquiring into the cause of death of this child and exploring the prevention of child deaths. He stated that everyone involved owns part of the problem, but that the parents who are abusing drugs and alcohol own the biggest part. He then explained the programs now being used to keep parents off drugs. Judge McGee stressed that this is an enormous problem; that having everyone come to court instead of relying on the Social Workers alone would be a better process if resources are available to do that; and urged that the Board not oversimplify the problem.

Chief Deputy Rod Williams, Washoe County Sheriff's Department, speaking on behalf of Sheriff Kirkland, stated that it is clear that there is a consensus and agreement to go forward and address these problems to protect the children and to do so in a cooperative and multijurisdictional effort and pledged the full support and cooperation of the Sheriff's Department.

District Attorney Richard Gammick urged the Board to keep the Grand Jury report in the proper perspective, stating that the statement that `...were it not for Social Services, Mai Lin Stafford would be alive today...' is a very strong allegation that he disagrees with. He emphasized that Carlos Guterrez killed Mai Lin Stafford, not Social Services. Mr. Gammick also discussed the monthly meetings that are being held with all involved agencies reviewing the cases in an effort to pull all the information together and ensure nothing is slipping through the cracks. He stated that everyone is working very hard and committed his office to continue to do so to prevent these deaths.

Chairman Shaw asked how the information obtained at the monthly meetings is disseminated to all the necessary departments. Mr. Gammick stated that there are problems with that citing Nevada Revised Statutes which limit and restrict dissemination of certain criminal information, but they are working around that as much as possible.

Pam Becker, Children's Cabinet, read a prepared statement from Sheila Leslie, as Ms. Leslie had to leave the meeting, which statement expressed disappointment that the Grand Jury focused on Social Services instead of trying to dig deeper and find the root causes of these deaths. The statement pointed out that Social Services is an agency that intervenes after a problem has been identified, and the narrow focus on Social Services' shortcomings will not bring about the complex solutions necessary in today's society of family violence and drug use.

Katherine Cesario, advocate for children living in foster care and founder of the Reddick Childrens Academy, stated that she grew up in foster homes and wanted to give the Board some insight from a child's perspective of life in a foster home. She related details of being abused in the foster homes also; stated that her brother was killed by an abusive foster parent; explained that people who abuse children know exactly how to act when Social Services is there, but it's a different story when the Social Workers leave; and added that finding good homes is a very difficult challenge, and Social Workers need to be trained in what to look for when placing children in any home. She then listed some of her suggestions for improving the system.

Gretchen Johnson, Registered Nurse, Washoe County School District, stated that because of the confidentiality laws, the schools and Social Services have to work independently which is not the most productive way to protect children; and that they make reports of abused children to Social Services, but never know the outcome of any situation and are never sure whether the child is safe. She related details of a child that the school district "red-flagged" because of previous abuse when he was returned to his parent's home; that the school district made 4 reports of suspected abuse; that they then wrote a letter to the head of Social Services on August 31st; and that they just met on December 7th, many months after making the reports. Ms. Johnson stated that there is no excuse for having to wait so long for the two agencies to finally sit down and talk about the welfare of this child. She also made some suggestions for improving the system and stated that the School District knows a lot about the children and their families and Social Services should communicate with them.

John Sarb, former Administrator of the State Division of Child and Family Services, stated that he feels that it was the Grand Jury's notion that as long as a child is not returned to an abusive home he is safe and everything will be fine. Mr. Sarb emphatically stated that that is not the case; that the incidents of abuse and neglect in foster care is higher than the incidents of abuse and neglect in the general population; that there is an element of risk no matter which way you go; and that child protective services is the only business where there is no margin for error, because either way you go, if you are wrong, somebody

is going to get hurt. He stated that the State does indeed make a lousy parent; that family reunification and providing services to those at-risk families makes a lot more sense; and that it will never be without risk. Mr. Sarb stated that the State DCFS evaluates all child protection agencies in the State; that in the last evaluation, Washoe County scored the highest; that Judges Jordan and McGee are probably the most liberal in the State when it comes to interpreting their jurisdiction and their intervention is designed to make sure there is good oversight of Social Services; that Clark County operates under a much narrower interpretation of the law; and that this is the reason the incidents of abuse and neglect appear to be higher in Washoe County than in Clark County. He further stated that in his review of Federal block grant proposals, it is his opinion that it is very likely that Washoe County will lose more than \$3-million in funds that came to Social Services from the State last year for child protective services and that State provided services in Washoe County are also likely to be cut; and that, if that does happen, it would be unreasonable to expect Social Services to be able to provide even the same level of service in the next year, let alone improve services.

Chairman Shaw thanked everyone for their remarks and stated that the comments and suggestions that have been made will be taken into consideration. He reiterated that the Board is committed to act as agents for change and improving the system to make this community safer for everyone, especially the children. He stated that the formation of a small task force to review the entire system and report back to the Board with recommendations for improving the system as quickly as possible is something that he thinks should be done.

Commissioner Bond stated that she is pleased to learn that Social Services is considering dividing the case workers into teams who will cover sections or districts promoting family services and becoming familiar with the environment of particular areas; that she would also request that Social Services consider the team approach at school sites where there are many professional people who are not being utilized to the extent they should be; and that that could result in a better way to keep on top of these families. She stated she is aware of the confidentiality problems; that this has to change so that everyone can talk to each other; and that she would encourage the Sheriff's Office to do some tagging on their computers for these cases where they believe there is an abuse situation. Commissioner Bond further urged the crisis call organizations to initiate the call to law enforcement when they receive a report of suspected abuse or family violence, noting that the caller is probably afraid to call law enforcement themselves for fear of retaliation if an individual learns who called the police. She also requested that when a child is returned to a home, that some agency, if not Social Services, then perhaps CASA, monitor and review that family even more intensively; and further suggested that perhaps the hospitals could establish some kind of system whereby families who have abused their children could be red-tagged so that agencies could be alerted if another child is born. Commissioner Bond also stated that changes need to be made to the referral requirements and that she is encouraged by this process as she believes changes can be made that will improve the system and the safety of the children.

In response to Chairman Shaw, Ms. Shelton stated that the case review position the Department is currently recruiting for has not been filled and the position will be reconsidered in light of these proceedings. Commissioner Bradhurst suggested that an outside contract should be considered for this position, at least for the short term.

Commissioner Bradhurst stated that the task force is something that should be done and requested that Ms. Shelton report back to the Board as soon as possible regarding the formation and function of the task force noting his desire that Mr. Melner be a member. He also stated that he agrees that the entire system of child protection services, not just Social Services, is in need of a performance review; and that following the recommendations made by the Grand Jury would be a step in the right direction for improving the system. He asked Ms. Shelton if there is anything the Board could do at this moment that would enhance protection of children. Mr. Shelton described some other changes the Department made in the last two years, such as the establishment of the death review committee and programs to identify high risk families, and stated that everyone is doing everything they possibly can with current resources.

Commissioner Mouliot agreed that an outside third party-type organization should review the entire system and echoed other Board members concerns. He also suggested that the case workers receive much more training in the area of being able to detect drug use pointing out that these "meth" users can be very dangerous; that the workers need to know what to look for when they enter a home; and that the case workers should be able to find out about these individual's backgrounds from the law enforcement agencies. Ms. Shelton responded that staff did have some training conducted by Dr. Susan Doctor a couple of years ago; that they have been

attempting to get some law enforcement training; and that she knows more training is necessary as there are only about 5 people on staff who have had the week long National Council of Juvenile and Family Court Judges training program.

Commissioner Sims stated that the Grand Jury report was a public call for an explanation, and conducting an independent, objective performance review to look for ways to better protect the children is owed to the community.

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion carried unanimously, Chairman Shaw ordered that:

1. Ms. Shelton report back to the Board within the next two weeks regarding the advantages/disadvantages of having an independent third party do the case review and internal controls analysis function rather than hiring in-house to begin with, noting that the person should have no ties to Social Services and will be reporting to the Commission.
2. Ms. Shelton report back to the Board as quickly as possible regarding potential organizations and/or individuals who could assist the County in a review of the entire child protective services system.
3. Ms. Shelton provide a recommendation to the Board regarding the form and function of a task force so that it can be established as soon as possible and begin working with the others to improve the system.
4. Ms. Shelton report back to the Board on acquiring training for her staff so that they will be able to identify people that are abusing drugs.

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5:15 p.m. Due to the length of the previous item, the Board did not commence the regular agenda until 6:30 p.m.

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the agenda for the December 12, 1995 meeting be approved.

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 meetings of November 7 and 14, 1995 be approved.

95-1080 KENNEL PERMIT APPEAL - VINCENT R. STORY

Katie Stevens, Animal Control Officer, reviewed background information regarding the kennel permit application of Vincent R. Story to house 6 dogs at 150 E. 2nd Avenue, Sun Valley, Nevada, and answered questions of the Board. She advised that at the time the application was filed six dogs were listed plus three dogs under six months of age; and that Mr. Story noted on the application that he was attempting to find homes for the pups.

Vincent Story, applicant, stated that their dogs are not a nuisance; that they do not stay outside at night; that they have a six foot high fence around the property and the animals cannot get out; and that they take very good care of the dogs. Mr. Story read a letter from Mrs. Story's doctor, which he placed on file with the Clerk, recommending that every effort be made to assure a continuing relationship with her dogs. Mr. Story then responded to questions of the Board and advised that the dogs would be in the house at night after the kennel is built.

Chairman Shaw called on those wishing to speak.

Dave Randall, area resident residing directly behind the Story property, stated that last summer there was an overabundance of flies because of these dogs; that the barking is continuous during the day; and that the animals sit on the top of old cars in the backyard and bark over the fence. He asked what guarantees are in place that the dogs would be in the kennel and would be cleaned up after.

Upon request of Chairman Shaw, Mr. Story responded that it is his understanding that the kennel would be required to be cleaned once every 24 hours; that he plans to restore two vehicles which are currently in his backyard, but could easily get rid of one of them if it constitutes a nuisance in the neighborhood; and that he has not noticed more flies in one place than any other place in Sun Valley.

Marietta Barrachoa, adjoining property resident, stated that she has not noticed a problem with flies; that Mr. and Mrs. Story take good care of their dogs; and that she supports their application.

Another speaker advised that he owns property adjacent to the applicants and the tenants indicated they could not open their west windows because of the smell coming from the Story property.

Ms. Stevens responded to questions of the Board and advised that dogs subject to permit must be kept in the enclosure, and Animal Control would respond to any concerns and complaints that might come forth.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the kennel permit for Vincent R. Storey to house 6 dogs at 150 E. 2nd Avenue, Sun Valley, Nevada, be granted, subject to the kennel being constructed within thirty days and the current nine dogs at the residence being reduced to six dogs within sixty days.

95-1081 ACCEPTANCE OF DONATION - ELIZABETH HOWARD - ANIMAL CONTROL

On motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the donation of \$5.00 from Elizabeth Howard to Animal Control be accepted with gratitude.

95-1082 STATE GRANT FOR YOUTH ALCOHOL COUNTERMEASURES - "NO-BOOZE-2-KIDZ" - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the Sheriff be authorized to accept a State of Nevada, Office of Traffic Safety, Community Traffic Safety Programs, Grant for the Youth Alcohol Countermeasures Program, "No-Booze-2-Kidz," in the amount of \$75,625.00 and the following account transactions be approved:

Increase Revenues

15258G-4301 \$76,625.00

Increase Expenditures

15258G-7003 \$48,000.00

15258G-7181 \$10,000.00

15258G-7230 \$17,625.00

It was noted that permission to apply for the grant was approved on May 9, 1995; and that the grant period will be from December 20, 1995 through September 30, 1996.

95-1083 RETROACTIVE REQUEST TO SUBMIT GRANT - NATIONAL INSTITUTE OF JUSTICE - DNA LABORATORY PROGRAM - SHERIFF

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the Sheriff's application for grant funding from the National Institute of Justice for a DNA Laboratory Program be retroactively approved.

95-1084 GRANT FROM STATE OF NEVADA - CAPITAL OUTLAY - SHERIFF

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that a grant from the State of Nevada be accepted and the unbudgeted capital outlay for the purchase of a gas chromatograph be authorized. It was further ordered that the following budget adjustments and appropriation transfer be approved:

Increase Revenue			Increase Expenditures		
Lower Org	Account	Amount	Lower Org	Account	Amount
15268G	4301	\$78,333.00	15268G	7849	\$78,333.00
Transfer From			Transfer To		
Lower Org	Account	Amount	Lower Org	Account	Amount
15222D	7140	\$16,667.00	15268G	7849	\$16,667.00

95-1085 TRANSFER OF EXPENDITURE APPROPRIATION AUTHORITY - SHERIFF

Upon recommendation of Gary Goelitz, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the transfer of expenditure appropriation authority from the Sheriff's Department Administration (lower org 15042) to Detectives Extradition (lower org 15069) be approved and the following account transactions be authorized:

Transfer From Expenditure Appropriation			
Lower Org	Account	Title	Amount
15042	7620	Travel	\$44,000.00
Transfer To Expenditure Appropriation			
Lower Org	Account	Title	Amount
15069	7620	Travel	\$44,000.00

95-1086 REPORT - HEALTH FUND FINANCIAL STATUS

Dave Rice, District Health Officer, reviewed the report on the financial status of the Health Fund and stated that he is practicing prudent financial management in informing the Board that the Health Fund has a shortfall in the fiscal year 1995/96 budget. He advised that tough issues are facing the Health Department in the near future in managing the budget; and that, although the situation is manageable at this point in time, they are raising the flag of caution.

Lisa Gianoli, Finance Division, reviewed the approach being taken and advised that Finance and the Health Department are working together to refine the budget process; that she feels the Health Department has addressed the matter early enough in the fiscal year to enable them to make needed adjustments; and that, while the shortfall represents a sizable amount of money, the situation has been addressed early enough to assure the Health Department's financial stability through the rest of the year, but apprising the Board of the situation was deemed necessary in the event subsistence before the end of the fiscal year is needed.

Chairman Shaw requested that monthly reports regarding the financial status of the Health Department be provided to the Board. Mr. Rice and Ms. Gianoli then responded to questions. Mr. Rice advised that a large percentage of their programs represent mandated responsibilities.

Ron King, Chairman, District Board of Health, stated that it is a great privilege, honor, and opportunity to serve as Chairman; that the interlocal agreement that created the District Board of Health is one of the finest public and private partnerships created and is a shining example of what can happen with consolidation of Reno, Sparks and Washoe County; that he is pleased with the creative financing they have been able to develop and their approach to publicly notify about the possible shortfall; that he pushes strongly for fiscal responsibility and is fully aware of the situation and is updated daily on the financial standing; and that they will serve the County and the citizens of the Truckee Meadows in the best way possible.

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the report on the financial status of the Health Fund indicating that the Health Fund may need financial assistance before the end of fiscal year 1995/96 be acknowledged.

95-1087 BILL NO. 1117 - AMENDING CHAPTER 110 (DEVELOPMENT CODE) - ADDING CERTAIN SCENIC ROADWAY CORRIDOR STANDARDS (FOREST AREA AND SOUTHWEST TRUCKEE MEADOWS AREA ) - DEVELOPMENT CODE AMENDMENT CASE NO. DCA95-3 - COMPREHENSIVE PLANNING

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 1, 1995 to consider the second reading and adoption of Bill No. 1117 adding certain scenic roadway corridor standards to the Forest Area and the Southwest Truckee Meadows Area. Proof was made that due and legal notice had been given.

Dean Diederich, Department of Comprehensive Planning, provided a map of the area depicting the affected parcels within the 500-foot border along Mt. Rose Highway, and conducted a viewfoil presentation of the proposed amendments to the Development Code to incorporate new development standards for the Mt. Rose Highway scenic corridor. He reviewed the development standards in detail and advised that there was a lot of discussion at the Citizen Advisory Board (CAB) level; that an important provision added by the Planning Commission was that all new development will need to pursue a special use permit which would include review by the Design Review Committee, noting that this is a deviation from the CAB's recommendation to them. Mr. Diederich then reviewed the proposed regulations including building height, setback, parking, loading, architectural standards, etc. and stated that one item missing from the Planning Commission recommendation was a provision worked on by the CAB related to signage. Pursuant to questions asked at yesterday's caucus relative to comparisons to County-wide sign regulations, he advised that the CAB looked at limiting the height of free standing signs to 10 feet rather than the County maximum of 30 feet, noting the CAB proposed standards were developed based on variations of already adopted standards in the North Valleys planning area, as well as testimony heard at the CAB meetings; and that Washoe County has an 80-foot sign height limit for general commercial compared to the 35

feet proposed by the CAB for the Mt. Rose scenic corridor. He then reviewed the parcels along the corridor and explained how the proposed standards would potentially affect those properties. Mr. Diederich then responded to questions of the Board.

Commissioner Sims stated that the proposed standards seem to provide fairly strict regulations, and, therefore, he questions what additional benefits the special use permit and the Design Review Committee process would provide in maintaining the scenic quality of the highway. He noted that the process would involve increased costs to the developer and the taxpayer, the need for additional County staff, and an increased time frame for completion.

Mr. Diederich commented that the Planning Commission indicated in their memorandum dated November 1, 1995 that considerable experience demonstrated that the special use permit and Design Review Committee process would be the most effective way of preserving the Mt. Rose corridor's scenic qualities, and that they recognize the additional cost and time, but feel the process has worked effectively in the past and should continue to do so.

Gary Goelitz, Finance Division, reviewed costs and staffing needs for the additional requirements relating to the proposed special use permit and Design Review Committee process.

Mr. Diederich responded to questions of the Board regarding the current and proposed requirements and costs. He advised that a typical special use permit would run approximately \$800 to \$1500; and that, currently, low density and medium density projects require a special use permit but the Design Review Committee review may or may not be required.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Arne Hamala, Mt. Rose Highway area resident, spoke in support of the proposed regulations.

Jackie Kellison, Mt. Rose Highway resident, provided maps of the area and stated that substantially all of the standards being proposed affect only existing unbuilt commercial properties and, on the north side of the highway, their property is the only property affected by the proposed amendments. She reviewed the proposed and existing regulations and advised that existing requirements, the Mt. Rose rules and regulations for the scenic corridor, and the agencies that are already in place, can preserve the integrity of the corridor. She requested that the Board deny the proposed rules and regulations, but if it is deemed necessary to adopt them, she strongly urged that the requirement of a special use permit not be inflicted upon them because it would be costly to them and to the taxpayer. She also requested that they be granted the same signage allowance that was granted to the Raley's shopping center. Mrs. Kellison then answered questions of the Board.

Russ Carpenter, Pleasant Valley resident, member of the Mt. Rose/Geiger Grade CAB, and President of the Pleasant Valley/Steamboat Valley Landowners Association, stated that the CAB made a number of concessions directly for the benefit of the Kellison property and it was felt everyone came away from their final meeting with quite a bit of understanding; that it appears there will be approximately 100 properties affected by the proposed ordinance and he does not feel it would be proper or prudent to exclude one property owner; and that they worked long and hard on the proposed regulations and request that the entire package be approved.

Robert Eisan, Mt. Rose commercial property owner, advised that he was also speaking on behalf of two adjacent parcels zoned commercial. He

stated that he has owned and paid taxes on his property for over 20 years and feels that his and similar properties along the corridor should be grandfathered in; that going through the special use permit process twice is not necessary and would be very expensive; and that there is a differential in appropriate sign size for a 1/3-acre parcel versus a 10-acre parcel.

Gary Schmidt, Mt. Rose commercial property owner, stated that any restrictions imposed on properties on the Mt. Rose Highway should be imposed equally and fairly to all property owners and the residential properties should not be exempt; and that he feels the entire concept has been improperly approached. He presented photographs of an NDOT temporary building located on County property on the corridor and stated that it is unsightly and is the only unscenic thing on the highway, and questioned whether that property would be included if the proposed restrictions are adopted; that what is needed on the corridor are better and more turnouts, as well as improved vista points for the safety of people driving on the highway. He discussed the costs associated with special use permits and stated that excessive restrictions placed on property lowers property values and, therefore, lowers property taxes; that he questions why an 85-foot building is automatically unscenic and a 35-foot building is automatically scenic, noting that he has 100-foot trees on his property and no one has been able to explain how height reduction relates to a scenic corridor; that he is opposed to any additional special use permit requirements or other additional restrictions on existing property; and that the County should first improve the unsightliness of its own property and then embark upon a series of improvements to turnouts and scenic vista stops and create an incentive program for people to develop their properties in a manner that would be pleasing to everyone.

Robert Schmid advised that he owns 27 acres that front on Mt. Rose Highway, and the plan presented has the overwhelming support of the great majority of affected property owners. He requested that the Ordinance be adopted as presented and that any requests for grandfathering be disregarded.

Steve Klearman, Saddlehorn area resident, spoke in support of the proposed Ordinance.

Hugh Carson, Callahan Road resident, spoke in support of the proposed standards and requested that the signage standards be reincorporated in the document.

Jean Johnson, Secretary/Treasurer, Mt. Rose/Geiger Grade CAB, stated that after lengthy meetings and much dialogue and discussion with the property owners, it was felt they had reached compromises. She encouraged the Board to accept the amendments and include the standards relative to sign height.

Jackie Gerheart, area resident, also spoke in support of the ordinance.

Phyllis Atkins, Geiger Grade/Toll Road resident, presented correspondence and discussed costs and time frames associated with special use permits and review by the Design Review Committee. She stated that the Commission determined that each corridor should be reviewed separately and all affected parties should have been notified because as soon as the standards are set for Mt. Rose, that will become the standard for the other corridors in the area.

Keith Kellison, Jr., area resident, stated that they are asking for equality relative to sign restrictions; that safety is an important issue and everyone is being as responsible as they can; that there was no agreement by all parties regarding the signage issue; and that the special use

permit issue was not discussed until the last meeting with all prior representation being that the intention of the document was to provide a mechanism that would not require going to the Commission or any other body for design approval. He presented charts developed by the National Electric Sign Association depicting safety factors relative to sign size and visibility at certain speeds, noting that the information was based on scientific research and indicates that at 45 miles per hour a sign should be 175 sq. ft.; and that while he feels that size would be too large for the scenic corridor, the information does indicate that signs larger than what is being proposed would be appropriate. Mr. Kellison further stated that they are trying to find a fair and safe compromise and are asking for the same sign allowance granted to Raley's; that they would like the corridor width reduced from 500 feet to 300 feet; that the special use permit requirement contained in the ordinance totally contradicts the purpose of the corridor; and that the proposed signage restrictions are unsafe and unduly restrictive.

Keith Kellison, Mt. Rose Highway resident, stated that he supports enhancing the beauty of Mt. Rose Highway and also preserving the rights of the property owner, which is not being done under the proposed ordinance; and that the CAB did not discuss signage in any detail and he feels the decision was made very quickly without proper consideration given to safety, fairness and balancing of property rights, etc. He then discussed and read NRS278.020 relating to regulation by governing bodies of improvement of land and stated that there is no mention of aesthetics in that statute. He also discussed issues relative to the special use permit requirement expressing opposition to the process and the associated costs.

Mr. Kellison then discussed signage and stated that the proposed restrictions are unfair and are not even 1/4 the size of what is recommended by the National Electric Sign Association as being safe.

Dave Kladney, Chairman of the CAB, commented that in their meetings they talked about the signs for quite some time; that aesthetics is addressed under regulations for health, safety and welfare; that the CAB did not request the special use permit process contained in the proposed ordinance, but he thinks it is a good idea; that he does not believe the special use permit process is going to be as costly as people think; that he feels it is important to have sign size in the ordinance; and that the Food Marketing Institute has indicated that people are destination oriented with less than 1/2 of 1% coming off the road because of signs. He noted that this is a temporary ordinance subject to the study being funded by the County for the Mt. Rose corridor; and that the people have spoken clearly that they want the ordinance, the sign size restriction, and the special use permit requirement.

Lyn Mundt, Chairperson, Southwest Truckee Meadows CAB and Mt. Rose Highway resident, distributed a copy of her October report indicating the CAB's support of the Planning Commission's recommendation. She discussed the CAB's position and stated that they have donated a lot of time and energy to the process of preserving the quality of life for the Mt. Rose corridor and requested the Board's approval of the ordinance as presented.

Guy Day, Young Electric Sign Company, stated that some brief discussion was held relative to signage at the CAB meetings; that he, as a member of the sign industry, had very little input regarding this issue; and that he would like people to listen to the industry because they have the same concerns regarding safety, etc.

Dick Newens, Mt. Rose Highway area resident and member of the Southwest Truckee Meadows CAB, stated that the issue of signage was discussed frequently and referred to the minutes of their meetings indicating so; and that what is being presented to the Board was approved

by people living in the area.

Gary Schmidt made further comments relative to signage and stated that he does not feel the sign restrictions were very well thought out.

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

Mr. Diederich responded to further questions of the Board relative to signage, and the special use permit and design review committee requirements contained in the proposed ordinance.

Commissioner Mouliot stated that he thinks the costs and additional time associated with the proposed special use permit will be more than anticipated, and he has a problem with that being added to the process in addition to everything already in place.

Commissioner Sims noted that the majority of property along the corridor would currently require a special use permit and the few properties that would not have to obtain a special use permit would be required to follow the scenic corridor standards, which he feels addresses everything critical to maintain the scenic integrity of the highway; and that, as the majority of traffic on the Mt. Rose Highway represents local people that know where they are going, the intent of the scenic corridor ordinance would best be served if sign sizes are limited.

Commissioner Bradhurst stated that he feels the special use permit is not necessary because the Building Department has sufficient standards to address height, setback, parking, etc.; but that he feels the Planning Commission should add in the sign limits using Raley's sign allowance as the height ceiling.

On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the proposed ordinance concerning the Mt. Rose Highway Scenic Roadway Corridor be referred back to the Planning Commission to incorporate the signage size recommendations of the CAB using the Raley's sign as a ceiling size, and to delete the special use permit process contained therein.

#### 95-1088 AGREEMENT - SOFTWARE PURCHASE FOR CASE MANAGEMENT - RENO AND SPARKS JUSTICE COURTS

Judge Fidel Salcedo, Reno Justice Court, reviewed information relative to the purchase of the court case management system and responded to questions of the Board.

Brian Mirch, Finance Division, presented documentation requested by the Board at yesterday's caucus and provided additional financial information. He advised that the Justice Court's need for the case management system is dramatic as staff needs to be trained on the system before they move into the new Courts Complex in the spring.

The Board discussed financial issues, the pending financial needs of other departments, and possible options for reducing the cost of the system. Ron Wolff, Director, Management Information Services, discussed costs and advised that acquiring 8 megabyte personal computers and upgrading to 16 megabytes at a later time would reduce costs somewhat, and that the monitor size could also be reduced.

Following further discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the agreement with HSF, Inc. for a case management system for the Reno Justice Court in the amount of \$116,120.00 and Sparks

Justice Court in the amount of \$88,900.00 be approved and Chairman Shaw be authorized to execute on behalf of the Board. It was further ordered that the purchase of MIS approved hardware for Reno Justice Court in the amount of \$193,204.00, and Sparks Justice Court in the amount of \$27,500.00, and the establishment of a Criminal Justice Interface account in the amount of \$28,000.00 be authorized; and that staff be directed to pursue methods that might reduce these costs.

It was noted that this constitutes a grand total of \$453,724.00.

95-1089 REFUND OF TAXES - WHITTEN'S ELECTRICAL SERVICES

This item was continued from the November 21, 1995 meeting. [Item No. 95-1048.]

Commissioner Bradhurst stated that, while he understands the Assessor follows procedure established by Nevada Revised Statutes when a taxpayer fails to file their annual personal property declaration, he feels there is an issue of equity in this instance.

Nancy Whitten, applicant, discussed the tax refund request and explained that when she became aware there was a problem with her assessment she immediately investigated and discovered that the declaration form submitted to the Assessor had been mailed to the wrong address.

Tom Sokol, Assessor's Office, responded to questions of the Board.

Following discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the appeal be upheld and the request for tax refund from Whitten's Electrical Services for fiscal year 1994-95 in the amount of \$873.00 be granted. It was further ordered that the District Attorney be directed to prepare the Resolution granting the refund and Chairman Shaw be authorized to execute when presented.

Commissioner Bradhurst noted that if this was simply a situation where the Assessor did not receive a declaration, he would uphold the DA's recommendation for denial, but based on information presented, the average assessment developed by the Assessor's Office being so far off the actual assessment, and for equity purposes, the refund is appropriate.

The following Resolution was prepared as directed and executed by Chairman Shaw.

RESOLUTION-Directing the County Treasurer to Refund Taxes

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

WHEREAS, Whitten's Electrical Services (Taxpayer), made application for the refund of 1994-1995 personal property taxes maintaining that the Assessor's Office misassessed the Taxpayer's property, I.D. #2/174-377; and

WHEREAS, Whitten's Electrical Services has overpaid taxes for fiscal year 1994-1995 in the amount of \$873.00; 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 Whitten's Electrical Services a total of \$873.00, that amount being the taxes overpaid by Whitten's Electrical Services for the tax year 1994-1995 on I.D. #2/174-377.
- 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.

95-1090 GRANT AGREEMENT WITH NEVADA DIVISION OF ENVIRONMENTAL PROTECTION FOR VERDI AREA WASTE LOAD ASSESSMENT - AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR DRILLING OF MONITORING WELLS

Leonard Crowe, Department of Comprehensive Planning, reviewed background information regarding this item.

Upon recommendation of John Hester, Director, Department of Comprehensive Planning, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken:

- 1. The Grant from the Nevada Division of Environmental Protection in the amount of \$20,000 to assist in preparing a Waste Load Assessment for the Verdi area be accepted and Chairman Shaw be authorized to execute.
- 2. The Agreement between Washoe County and the U.S. Geological Survey to drill monitoring wells in the Verdi area to sample shallow ground water in support of the waste load assessment be approved and Chairman Shaw be authorized to execute.
- 3. The Comptroller be directed to make the following adjustments to the budget of the Department of Comprehensive Planning:

Revenue Expenditures

01-1155205G-4301	\$20,000.00	01-1155205G-7294	\$20,000.00
Decrease		Increase	
01-1155306-7140	2,809.00	01-1155205G-7294	2,809.00

It was noted that grant funds will be used to offset the costs of the U.S. Geological Survey drilling costs with the difference of \$2,809 coming from funds currently budgeted by the Department of Comprehensive Planning; and that the remainder of the effort will come from County personnel and City of Sparks personnel.

95-1091 AGREEMENT - U.S. GEOLOGICAL SURVEY - DEVELOPMENT OF METHOD TO IDENTIFY AND QUANTIFY SOURCES OF NITROGEN CONTAMINATION IN GROUND WATER

Leonard Crowe, Department of Comprehensive Planning, reviewed background information regarding this item.

Upon recommendation of John Hester, Director, Department of Comprehensive Planning, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Agreement between Washoe County and the U.S. Geological Survey concerning development of a method to identify and quantify sources of nitrogen contamination in groundwater be approved and Chairman Shaw be authorized to execute. It was further ordered that staff be authorized to issue a notice to proceed.

It was noted that this agreement is for \$31,500 which will cover the first year effort; that Washoe County will receive a useable product; that the U.S. Geological Survey will need to continue this effort with the assistance of other cooperators for the final three years of the proposal; and that the Department of Comprehensive Planning has the funds for the agreement currently budgeted in the Conservation and Natural Resources program.

#### 95-1092 SPONSORSHIP OF TRUCKEE RIVER RESTORATION PROJECT AT TRACY, NEVADA - SIERRA PACIFIC POWER COMPANY - U.S. ARMY CORPS OF ENGINEERS - COMPREHENSIVE PLANNING

Leonard Crowe, Department of Comprehensive Planning, reviewed background information regarding the request for sponsorship of a Section 1135 river restoration project near Tracy, Nevada.

David Gore, U.S. Army Corps of Engineers, advised that the restoration area is located in the vicinity of the Sierra Pacific power plant and is one segment of a broader scope they are looking at for restoration along the Truckee River; and that the restoration area is a highly visible area located between I-80 and the river and would provide good restoration benefits and values that would fall in line with Washoe County's goals and objectives. He presented an aerial photograph of the subject area and discussed Section 1135 of the Federal Water Resources Act of 1986 that authorizes the Corps of Engineers to look at ways to improve environmental values and provides a 75% Federal, 25% non-Federal government entity cost shared funding mechanism. He advised that the non-Federal sponsor would provide the lands, easements, rights of way, relocations, etc. and the program provides for some in kind service crediting. He then reviewed the 1135 program process and responded to questions of the Board.

Mr. Crowe advised that staff also requests authorization to open discussions with the Helms 102 Ranch gravel pit to possibly incorporate the entire stretch of land into the program, as well as with Storey County.

The Board discussed acquisition costs relative to the program and Mr. Crowe responded to questions.

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, it was ordered that staff be authorized to write to the U.S. Army Corps of Engineers requesting a Section 1135 river restoration project on property owned by Sierra Pacific Power Company at Tracy Station, Nevada along the lower Truckee River. It was further ordered that staff be authorized to open discussions with the 102 Ranch and with Storey County regarding the project.

#### 95-1093 HEALTH BENEFITS PROGRAM - MERGER OF DENTAL AND VISION PLANS - RISK MANAGEMENT

Howard Reynolds, Assistant County Manager-Personnel, reviewed the proposed changes to the Health Benefits Program.

Upon recommendation of the Insurance Negotiating Committee, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that the following changes to the Health Benefits Program, effective January 1, 1996, be approved and the Risk Manager be authorized to execute all necessary documents:

1. Terminate the dental and vision riders through HMO Health Plan, the County's optional health maintenance organization (HMO) provided by Mutual of Omaha and underwritten by United of Omaha.
2. Merge those enrolled in the HMO into the Self-funded Dental Plan provided under the Self-funded Group Health Plan (SFGHP).
3. Merge those enrolled in the HMO into Vision Service Plan (VSP) and change the premium rates as requested by VSP, as outlined in the agenda material, which extends the guaranteed rate agreement through June 30, 1997.
4. Maintain the current County and employee paid premium rates established for Fiscal Year 1995/96 through the end of June, 1995.

#### 95-1094 1996 TAHOE ALLOCATION PROGRAM - DEVELOPMENT REVIEW

Sharon Kvas, Department of Development Review, reviewed the proposed changes for the 1996 Tahoe Allocation Program. She advised that the recommended changes were discussed at the Incline Village/Crystal Bay Citizens Advisory Board meeting of November 8, 1995, and they were supportive of the suggested changes.

Upon recommendation of Sharon Kvas, Department of Development Review, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the following changes to the 1996 Tahoe Allocation Program be approved:

1. Single Family Telephone Lottery - The single family allocation lottery program information shall include the following statement: "Should any single family allocations remain unclaimed after the telephone lottery, the remaining allocations shall be available on a 'first come - first serve' based upon the submittal of one complete preliminary package or financial assurance of \$2500.00 to Washoe County Building and Safety Division to be held until the end of the year for plan check fees."
2. Multi-Family Computer Draw - The maximum number of allocations available for a multi-family project shall be increased from four allocations to six allocations per parcel, per year.
3. Incentive Program - the criteria of eligibility for an incentive allocation shall be expanded to include an additional category, affordable housing.
4. Fees - A \$50.00 fee for replacement of allocations be imposed.

#### 95-1095 REPORT - REGIONAL WATER COMMISSION - COMPREHENSIVE PLANNING

Shaun Carey, Chairman, Regional Water Planning Commission, stated that they are very committed and hard at work to meet the challenge of resolving very critical water issues for the region. He advised that they will also be meeting with the Reno and Sparks City Councils in the next week to make sure there are effective lines of communication with all elected officials, and that building a consensus between Reno, Sparks, Washoe County, and Sierra Pacific Power on these issues is critical to the plan coming forward in a true regional consensus form to move through the adoption process next Fall.

John McQuay, Washoe County Representative, Regional Water Planning Commission, stated that they are moving forward rapidly and he would like to meet with the Commissioners monthly to discuss County related issues, noting that critical decision points will be reached within the next two or three months on issues that will have significant impact on the County. Mr. McQuay then responded to questions of the Board and advised that he would like input from the Commissioners so that his input at the Water Commission level is appropriate.

Commissioner Bradhurst stated that he concurs with the monthly meetings, but that his understanding was that the Water Commission representative would not work under preconceived ideas of the Board and would have an open atmosphere for making decisions felt appropriate for the community. Mr. McQuay stated that this will occur but he feels it is important that the Board is aware of the positions he takes and the direction the Water Commission is going, so that when the plan is presented there are no major objections that would delay the process or the effectiveness of the plan.

Steve Walker, Water Management Planner, stated that the Water Commission is getting to some issues that the Board needs to be aware of and he would like to provide monthly updates. The Board concurred that monthly updates would be appropriate.

95-1096 RESOLUTION - DECLARING INTENT TO EXCHANGE LANDS - PROPOSED FEDERAL LAND EXCHANGE AGREEMENT

Madelyn Shipman, Legal Counsel, commented that if the Resolution is adopted, the actual exchange would be approved at the January 9, 1996 meeting.

Brita Tryggvi, CFA, Inc., representing Redfield Land Company, responded to questions of the Board.

Following discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute on behalf of the Commission:

RESOLUTION - Declaring the Board of County Commissioners of Washoe County's Intent to Exchange Certain Properties with the United States Government

WHEREAS, the Board of County Commissioners of Washoe County desires that Whites Creek Road in the Southwest Truckee Meadows be constructed to provide needed roadway facilities in said area of the County; and

WHEREAS, certain right-of-way necessary for the construction of said roadway is owned by the United States Government, United States Forest Service (hereinafter "USFS"); and

WHEREAS, USFS has indicated a willingness to exchange said right-of-way for County-owned property of equal value through a facilitator,

American Land Conservancy (hereinafter "ALC");

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Washoe County hereby declares its intention to convey to USFS, through ALC, certain properties described as follows, to wit:

Parcel 1: Township 19 North, Range 18 East, MDB&M, Section 36: SE1/4 SE1/4 [approximately 4.5 miles south and 5 miles west of Reno; southeast of Hunter Creek and northwest of Alum Creek]

Parcel 2: Township 18 North, Range 19 East, MSB&M, Section 20: NW1/4 NW1/4 [approximately 7.5 miles south and 4 miles west of Reno; 1.5 miles north of the Upper Thomas Creek Meadows]

Parcel 3: Township 18 North, Range 19 East, MSB&M, Section 16: NW1/4 NW1/4 [approximately 6.5 miles south and 3 miles west of Reno; 2.25 miles north of Upper Thomas Creek]

Parcel 4: Township 18 North, Range 19 East, MSB&M, Section 16: SW1/4 NW1/4 [approximately 6.75 miles south and 3 miles west of Reno; 2 miles north of Upper Thomas Creek]

Parcel 5: Township 18 North, Range 19 East, MSB&M, Section 28: NE1/4 NW1/4 [approximately 8.5 miles south and 2.75 miles west of Reno; 1/4 mile north of Upper Thomas Creek]

BE IT FURTHER RESOLVED that the Board of County Commissioners of Washoe County intends to enter into an agreement to effectuate the exchange of the above-described properties for the right-of-way needed for Whites Creek Road as described below, to wit:

Parcel 1: Township 18 North, Range 19 East, MSB&M, Section 24: S1/2 S1/2 S1/2 SE1/4 [a portion of APN 049-010-23 comprising approximately 16.230 acres]

Parcel 2: Township 18 North, Range 19 East, MSB&M, Section 24: S1/2 S1/2 S1/2 SE1/4 [APN 049-312-22 comprising approximately 3.213 acres]

Both parcels are located west of Thomas Creek Road and north of the Saddlehorn subdivision. Parcel 2 is located at the southeast corner of Thomas Creek Road and Field Creek Lane.

BE IT FURTHER RESOLVED that the property intended to be conveyed, by and through ALC, to USFS by the County has an appraised value of \$234,000 and the property intended to be conveyed, by and through ALC, to County by USFS has an appraised value of \$230,000;

BE IT FURTHER RESOLVED that a meeting will be held in Washoe County Commission Chambers, 1101 E. 9th Street, Reno, Nevada 89520 at 7:00 p.m. January 9, 1996 to allow any objections to the proposed land exchange to be heard;

BE IT FURTHER RESOLVED that notice of this Board's adoption of this Resolution and the time and place of the aforementioned public meeting be published by the Washoe County Clerk in a newspaper of general circulation in Washoe County.

95-1097 1996 PARKS AND RECREATION FEE SCHEDULE

Gregg Finkler, Parks and Recreation Department, provided information relative to discussion held at yesterday's caucus and responded to questions of the Board.

Following discussion, upon recommendation of Gene Sullivan, Director, Parks and Recreation, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the Parks and Recreation fee schedule for calendar year 1996, as outlined in the agenda material and placed on file with the Clerk, be approved.

95-1098 NORTH CAL-NEVA RESOURCE CONSERVATION AND DEVELOPMENT AREA - SPONSOR DONATION

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the 1996 sponsor donation in the amount of \$300.00 for the North Cal-Neva Resource Conservation and Development Area be approved.

\* \* \* \* \*

Commissioner Bradhurst temporarily left the meeting.

95-1099 INCREASE IN SOCIAL SECURITY BENEFITS AND SUPPLEMENTAL SECURITY INCOME - HEALTH CARE ASSISTANCE PROGRAM - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that retention of the 2.6 percent cost-of-living increase for the month of January, 1996 by the County Health Care Assistance Program (HCAP) clients who are in adult group care and who are recipients of Social Security and/or Supplemental Security Income (SSI) be approved.

95-1100 TRAVEL EXPENSE REIMBURSEMENT - CANDIDATES IN ASSISTANT COUNTY MANAGER-FINANCE RECRUITMENT - REVISION OF TRAVEL ORDINANCE

John MacIntyre, County Manager, provided information relative to questions asked by the Board at yesterday's caucus.

Upon recommendation of Joanne Ray, Personnel Division, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the reimbursement of travel expenses for two candidates competing for the Assistant County Manager-Finance position be approved. It was further ordered that staff be directed to revise the travel ordinance to allow the payment of expenses incurred by candidates competing for management positions.

95-1101 ABOLISHMENT OF POSITIONS - HEALTH DEPARTMENT

John MacIntyre, County Manager, provided information in response to questions asked at yesterday's caucus.

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion

duly carried, Chairman Shaw ordered that the following positions be deleted from the Health Department's Authorized Position Table:

Position	Title	Status
#119	Community Health Aide	Full-time
#155	Community Health Nurse II	Part-time
#172	Community Health Nurse II	Part-time

It was noted that these positions were assigned to the Home Health function that the Health Department provided prior to last fiscal year; and that the Health Department no longer provides this service.

#### 95-1102 CORRECTION OF FACTUAL ERROR - 1995 SECURED TAX ROLL

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Roll Change Request No. 251 correcting a factual error on a tax bill already mailed, be approved for the reason indicated thereon and mailed to the property owner, a copy of which is placed on file with the Clerk; and that the Order directing the Treasurer to correct the error be approved and Chairman Shaw be authorized to execute.

\* \* \* \* \*

Commissioner Bradhurst returned to the meeting.

#### 95-1103 BILL NO. 1119 - AMENDING WCC CHAPTER 100 - RELATING TO BUILDINGS AND CONSTRUCTION

Bill No. 1119 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING PROVISIONS RELATING TO BUILDINGS AND CONSTRUCTION AND ADDING UNIFORM CODES WITH CERTAIN CHANGES, ADDITIONS AND DELETIONS, RELATING TO BUILDINGS AND CONSTRUCTION, " was introduced by Commissioner Bond, the title read to the Board and legal notice for final action of adoption directed.

#### 95-1104 REFUND OF TAXES - SIERRA DEVELOPMENT COMPANY - FY 1994-95 - APN 011-072-06

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6307, on motion by Commissioner Bond, seconded by Commissioner Mouliot, 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-Directing the County Treasurer to Refund Taxes

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

WHEREAS, Sierra Development Company (Taxpayer), made application for the refund of 1994-1995 real property taxes because improvements

on Taxpayer's property, APN 011-072-06, were demolished; and

WHEREAS, Sierra Development Company has overpaid taxes for fiscal year 1994-1995 in the amount of \$1,782.63; 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 Sierra Development Company a total of \$1,782.63, that amount being the taxes overpaid by Sierra Development Company for the tax year 1994-1995 on APN 011-072-06.
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.

95-1105 AGREEMENT - VEHICLE AND EQUIPMENT MAINTENANCE - RENO-SPARKS CONVENTION AND VISITORS AUTHORITY

Upon recommendation of Bud Fujii, Director, General Services Department, on motion by Commissioner Mouliot, seconded by Commissioner Sims, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the Reno/Sparks Convention and Visitors Authority (RSCVA) for Vehicle/Equipment Repair and Maintenance Services be approved and Chairman Shaw be authorized to execute.

It was noted that the agreement will continue the County's commitment toward more inter-agency cooperative efforts which provide better service or reduce costs to the taxpayers.

95-1106 FIRST AMENDED LEASE AGREEMENT - 1020 ISENBERG LIMITED PARTNERS - OFFICE SPACE FOR SPARKS JUSTICE COURT, SPARKS CONSTABLE, AND OTHER ASSOCIATED OFFICES - GENERAL SERVICES

Upon recommendation of Bud Fujii, Director, General Services Department, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the First Amended Lease Agreement between 1020 Isenberg Limited Partners (LESSOR) and Washoe County (LESSEE) be approved for the purpose of extending the term for lease of office space to facilitate operation of the Sparks Justice Court, Office of the Sparks Constable, and other associated offices, through February 29, 1999, with formal acknowledgment of a change in the partnership from the previous Lessor, with no change in the previously agreed upon payment of monthly rental amount and common area maintenance expenses due for the period March 1, 1996 through February 28, 1997, with a change increasing the amount of monthly rental and common area maintenance expenses due for the remaining twenty-four month period commencing March 1, 1997 and ending February 28, 1999, with a change deleting language in the former notification service clause in its entirety and replacing it with a new notification service clause referencing the above named Lessor, and with a change eliminating any prepayment penalty in the event Lessee exercises its right of termination as provided therein. It was further ordered that Chairman Shaw be authorized to execute the Agreement.

95-1107 GRANT OF EASEMENT - SHIRLEY J. GIECK AND MARY E. HANSEN - SUN VALLEY DRAINAGE SYSTEM - PUBLIC WORKS

Upon recommendation of David Price, County Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Grant of Easement from Shirley J. Gieck and Mary E. Hansen, Grantors, and Washoe County, Grantee, be approved and Chairman Shaw be authorized to execute. It was further ordered that the County Engineer be directed to record the document.

95-1108 AGREEMENT - PERSONAL SERVICES - DEBORAH A. HESTER

Upon recommendation of John MacIntyre, County Manager, on motion by Commissioner Mouliot, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Agreement between Washoe County and Deborah A. Hester concerning computer training, automated presentation graphics and GIS strategy be approved.

It was noted that the cost for the Agreement is \$22,500 for the balance of Fiscal Year 1995/96 and funds are available in the County Manager's budget.

95-1109 ROLE OF CAUCUS IN PREPARATION FOR COMMISSION MEETINGS

Board members discussed the desired role of caucus in preparation for Commission meetings and determined that no presentations would be made by either staff or the public during these sessions, but that informational questions could be asked of staff.

Commissioner Bradhurst suggested that a sign be posted outside the caucus room indicating that the Board is going to hold caucus for the purpose of securing information from staff so that people would be aware that no presentations would be made by staff or the public.

95-1110 RELEASE OF FINANCIAL GUARANTEE - CRYSTAL CANYON ASSOCIATES

Upon recommendation of David Price, County Engineer, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that American Bonding Company's Bond No. 9220358 in the amount of \$69,635 be released .

It was noted that the performance bond was for the removal of a house factory which was to be built in the Cold Springs area; and that the house factory was never built and the building permit and special use permit have both since expired.

95-1111 RESOLUTION ACCEPTING STREETS - RELEASE OF FINANCE GUARANTEE - STAMPMILL ESTATES SUB- DIVISION UNITS 2B (5 LOTS) AND 2C (5 LOTS)

Upon recommendation of Walter West, Engineering Division, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that Continental Insurance Company's Faithful Performance Bond Nos. 139-20-15 in the amount of \$26,000 and 139-22-35 in the amount of \$30,000 used to guarantee offsite improvements for Stampmill Estates Units 2B and 2C be released.

It was further ordered that the following Resolutions Accepting Streets for each subdivision be adopted and Chairman Shaw be authorized to

execute:

RESOLUTION FOR ACCEPTING STREETS STAMP MILL ESTATES SUBDIVISION UNIT NO. 2B, TRACT MAP NO. 2559, DOCUMENT NO. 1300071, RECORDED JANUARY 19, 1989.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2559, Document No. 1300071 recorded on January 19, 1989; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map 2559 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

RESOLUTION FOR ACCEPTING STREETS STAMP MILL ESTATES SUBDIVISION UNIT NO. 2C, TRACT MAP NO. 2643, DOCUMENT NO. 1374766, RECORDED JANUARY 17, 1990.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2643, Document No. 1374766 recorded on January 17, 1990; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map 2643 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

\* \* \* \* \*

It was noted that the project is located west of Slip Mine Street on Dispensia Street and is southwest of Wadsworth, Nevada.

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 11:45 p.m.

JAMES M. SHAW, Chairman  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk