

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. JANUARY 23, 1996

PRESENT:

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

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the agenda for the January 23, 1996 meeting be approved with the following changes: Delete Item 11 H(2), Transfer of Appropriations from Public Works to County Manager's Office, and Item 17, concerning County Board of Commissioners' Rules and Procedures for 1996.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the minutes of the regular meeting of December 19, 1995 be approved.

96-71 INTERVIEWS AND APPOINTMENT - REGISTRAR OF VOTERS

John MacIntyre, County Manager, reviewed background information regarding this item. Joanne Ray, Chief of Personnel, answered questions of the Board regarding the selection process for candidates for the Registrar of Voters position and advised that applications and supplemental questionnaires were evaluated by a screening committee; that eight applicants were invited to participate in an Assessment Center; and that scores were tabulated with the top two candidates being recommended for interview by the Board.

Chairman Bradhurst requested that the candidates leave the chambers and the Board conducted interviews with the following:

Nelson Clayton  
Brad Lawrence

The Board commended both candidates on their excellent qualifications.

Following deliberation, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion unanimously carried, Chairman Bradhurst ordered that Brad Lawrence be appointed as Registrar of Voters, subject to a favorable background investigation report.

#### 96-72 NUISANCE COMPLAINT - REINDEER LODGE AND OLD TANNENBAUM SKI AREA

9:30 a.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 12 and 19, 1996 to consider the written complaint from Mr. and Mrs. Bob Schmid alleging the existence of a nuisance at the Reindeer Lodge and the old Tannenbaum Ski Area. Proof was made that due and legal notice had been given.

Melanie Foster, Deputy District Attorney, reviewed the applicable statutes regarding the filing of a complaint and the Board's procedure regarding this matter. She stated that a nuisance is defined as "anything which is injurious or indecent and offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;" that a property owner's opinion that their property value is diminished by a neighbors property use is not admissible evidence as to value; that an assessment showing reduced value by an appraiser, etc. would be needed; that the Board's decision cannot be an aesthetic decision based upon the fact that someone does not like the way another person's property looks; and that the opinions of staff may be considered an expert opinion in their field. She further stated that the Reindeer Lodge is licensed as a business and the license covers a number of activities.

Ms. Foster then responded to questions of the Board and discussed the meaning of 'affronts the senses' and 'aesthetics.'

Chairman Bradhurst opened the public hearing.

Robert Schmid, complainant, stated that they have owned Mt. Rose property since 1976 and have resided there since 1984. He reviewed historical information regarding the Reindeer Lodge property and stated that since Gary Schmidt purchased the Reindeer Lodge in the early 1980's, formerly known as the Sundance Lodge, it has been in a steady state of decline; that where the Sundance had a collection of curios and games, Mr. Schmidt began adding broken down mining and farm equipment, old travel and house trailers, storage sheds, surplus snow removal equipment, worn out tires, and junked cars; that in the late 1980's Mr. Schmidt acquired five acres of the old Tannenbaum Ski Area and promptly began to deposit all manners of junk and trash at the site; and that in 1991 they attempted to communicate their concerns to Mr. Schmidt but he was reportedly out of town and would not return their telephone calls.

Mr. Schmid added that they then mailed certified letters to him that were never accepted, and then, in desperation, contacted Commissioner Cornwall for assistance and the matter was forwarded to the County District Health Department. He stated that last September he and his wife decided to take a stroll through the Tannenbaum property and proceed down the mountain to view the fall foliage at the County park, and when they passed the property now owned by Mr. Schmidt, they were astonished to see the amount of trash that had accumulated during the past few years; and that he had his video camera with him to film fall colors and decided to video Mr. Schmidt's junkyard instead. Mr. Schmid then played the video of the Tannenbaum property, which was not placed on file with the Clerk, depicting many objects including an old trailer, boat, snow roller, old game machines, children's arcade games, various old equipment and parts, 30 trashed snowmobiles, a shed with the door open and items outside including old mattresses, etc.

Mr. Schmid advised that the video was taken on September 25, 1995 and stated that the situation has clearly degenerated beyond the point of being just an eyesore as the area has become a breeding ground for deer mice, and the discarded games are an attractive nuisance for neighborhood children. Mr. Schmid then responded to questions of the Board.

Richard M. Reynolds, representing the Sunridge Homeowners Association, reviewed a Court Order dated January 27, 1988 that was issued by a Judge with the stipulation of Gary Schmidt that set out certain conditions between him and Hans Rudolph relative to the Reindeer Lodge property. He stated that Mr. Schmidt has never adhered to those conditions; that the Homeowners Association interceded and tried to exercise part of the Court Order in ex parte on advice of an attorney, but the Judge indicated that the Order was too old to rehear. He then presented photographs, which were not placed on file with the Clerk, depicting the various Court Orders that Mr. Schmidt has not adhered to. He further advised that the Board has been provided with letters from two other

property owners outlining various violations at different times and stated that he has seen people from the Reindeer Lodge guiding horses onto private property and into the national forest area, and that Mr. Schmidt does not have a permit to do this. Mr. Reynolds then stated that Mr. Schmidt's business license has incorporated anything and everything that any human being could imagine possible as a business and he does not think that was the intent of the licensing.

Jeff Campbell, resident of the Sunridge Subdivision, stated that his property shares a common property line with the Reindeer Lodge; that Washoe County has taken great pains to assure that the Mt. Rose Highway scenic corridor be developed and when he tells people where he lives they inevitably refer to it as "that place with all the junk;" that he understands that aesthetics may not be an issue in determining a nuisance, but leaving a commercial refrigerator on a property line unsecured would seem to be an attractive nuisance to children; and that there are all kinds of dangers on the property. He stated that Mr. Schmidt has not lived up to the Court Order and is not living as a decent good neighbor; and that they have tried to talk with him to discuss these matters openly but nothing has been done.

Gary Schmidt, Reindeer Lodge and Tannenbaum property owner, stated that he objects to this hearing being scheduled, advertised, and conducted because the complaint originally filed was so vague and ambiguous and nonspecific as to not be an actual complaint at all, and has put him at an extreme disadvantage which he feels violates due process. He stated that he has been in business on the Mt. Rose Highway for over 20 years and has over 40 items listed on his business license for business activities that he engages in; that another complaint he has is that the notice violated the statutory requirements, and he objects to this proceeding continuing without the swearing in of those people witnessing; that the Board has heard many misstatements of truths and some of the issues have already been addressed in a different forum and have been settled; and that Mr. Reynolds comments were based upon a stipulated judgment and lawsuit that is 20 years old and is a dead issue. He responded to many of the statements made and stated that he categorically denies almost everything that was said.

Chairman Bradhurst commented that the Court Order and compliance of the stipulations is not the issue before the Board today and noted that the document is dated January 27, 1988 and is not a 20-year old document. Mr. Schmidt stated that the controversy goes back 20 years.

Mr. Schmidt then requested copies of the photographs presented by Mr. Reynolds and stated that from the discussion they appear to be of the Reindeer Property.

Upon inquiry of Commissioner Mouliot, Mr. Schmidt stated that the wagons and much of the other equipment on the property has been there 10-15-20 years with some being there when he took over the property; that when he first took over the Reindeer Lodge it was called the Sundance Lodge and snowmobiling, horseback riding, live music indoors and outdoors, bar, restaurant, motel, bed and breakfast, flea marketing, antique sales, athletic events, bar-b-que's, miscellaneous retail sales, new and used merchandise, sled rentals, and auto repairs, were all ongoing activities; that to many people the equipment may be considered junk, but to others they are treasures; that some items were there before he was there and some have been there two weeks; and that he considers the Reindeer Lodge to be both an indoor and outdoor museum. Chairman Bradhurst asked Mr. Schmidt to respond to the things shown in the video that depicted material lying on the ground. Mr. Schmidt stated that all the items on the video tape were photographed by someone trespassing on his property and most of the material cannot be seen from a public road or a neighboring property; that the property is clearly posted; that he has been vandalized and burglarized numerous occasions and the shed with the open door had recently been broken into; that his buildings are kept secured but have been broken into on numerous occasions; and that some of the photos weren't even his physical or personal property but were located on the neighboring Schoenfield property. Mr. Schmidt responded to questions posed by Commissioner Sims relative to his business license application dated January 16, 1991 and the various uses contained therein, including auto parts, hardware, equipment repair and sales, amusement park, swap meets and flea markets, etc. He stated that everything on his property has value to him and if he comes across something that has no value he promptly hauls it to the dump, noting that some of the material shown on the video has been disposed of.

Jeff Cotton, Mt. Rose Highway resident, stated that he lives approximately 2 miles above the Reindeer Lodge and knows Mr. Schmidt's property, and whoever was taking the video was clearly trespassing. He noted that the Ponderosa Ranch or any of the ski resorts have storage yards and parts on their property that would be considered industrial waste to most people but are of value to the business.

Micheline Glover, Mt. Rose resident, advised that she has lived on Mt. Rose for 50 years and has observed people from other areas constantly throwing trash, including mattresses, furniture, and garbage, all over the mountain. She stated that the video could be anybody's garbage.

Chairman Bradhurst referred to the letter from the District Health Department dated January 23, 1996 indicating that they found no conditions on the Tannenbaum property that would constitute a health hazard or violation of the District Board of Health regulations governing solid waste management.

Jeanne Rucker, Environmentalist Supervisor, District Health Department, stated that she and Robert Brown of the Health Department inspected the property on January 19, 1996, and advised that they had not been allowed access to the property prior to that time. She stated that the conditions shown on the video tape do not exist at this time; that there was a lot of old equipment, barnwood, video games or arcade games, and they did question Mr. Schmidt about the value of each of the articles; that they appeared to be sorted by type of article and none appeared to be in any violation of solid waste regulations, nor did it appear they would cause any sort of health hazard; that some of what was shown on the video is not on Mr. Schmidt's property; that the area is endemic for plague and hanta virus, as deer mice and other rodents are native to the area; and that they have counseled Mr. Schmidt regarding rotating his stock so that it doesn't provide nesting sites. Ms. Rucker then responded to questions of the Board regarding Health Department procedures and authority regarding violations.

Dave Bolnick, Attorney representing Mr. Schmidt, cited several cases defining a nuisance. He stated that only three people spoke on behalf of the plaintiff and two were speaking of another litigation matter and not to the nuisance issue; that only one person, Mr. Schmid, spoke to the nuisance issue; and that the law is clear that if just one person feels another person's property is disfavorable to his sight, it cannot constitute a nuisance. He emphasized that none of the things on the video of the Tannenbaum property could be viewed from the plaintiff's property or from a public road and entry would have to be made onto Gary Schmidt's property to see that material; and that Bob Schmid's comfortable enjoyment of life or property could not possibly be affected unless he trespasses on Mr. Schmidt's property.

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

Chairman Bradhurst reviewed Mr. Schmid's complaint letter and the findings the Board must make to determine that a nuisance exists.

Legal Counsel Shipman referred to an article on nuisance law from the American Land Planning Law, Part 16, Other Legal Controls and Controls Over Land Use, chapter on nuisances, and stated that she reads offensive to the senses as being typical types of categories of nuisance all of which would be something more than visual offense. She stated that categories listed in the article are:

- 1) noise which may be divided into two different elements, volume and pitch, vibration;
- 2) all of the many forms of air pollution including smoke, odors, particulate matter, the lighter than air effluent from various industrial processes;
- 3) all sorts of gases together with more than minimal amounts of radiation;
- 4) emission of undue heat or humidity;
- 5) glaring lights; and,
- 6) miscellaneous others, for example golf balls coming over regularly from an adjacent golf course;

and that it would appear that the article is basically saying that the offense has to be something of a more physical nature than a visual one.

Commissioner Sims stated that he has driven by that property and feels it looks absolutely horrible because it is not compatible in his own mind to the surrounding area, but that he has not seen any evidence presented today which, in his opinion, meets the definition of a nuisance as told to the Board by the District Attorney's Office; and that, although he feels that type of operation is not desirable for the Mt. Rose Highway today, it is there and Mr. Schmidt has a right granted under the law to

operate it.

Commissioner Mouliot stated that for the 21 years he has been in the area, there has been a lot of equipment at the Reindeer Lodge and it has basically been the same operation; that the Health Department stated the real problems probably no longer exist on the Tannenbaum Property; and that this seems to be more of a neighborhood fight.

Commissioner Bond stated that in looking through the material presented to the Board, there appears to be a constant pushing of the envelope by Mr. Schmidt; that there have been several zoning enforcement visits and he has always complied once it comes to the attention of the staff; that she is frustrated because this type of problem goes on all over the County and it may be something that may need to be addressed; and that, unfortunately, she cannot find anything to act on today based on what has been presented and in accordance with statute.

Commissioner Shaw stated that he echoes the previous comments and that it is unfortunate that every few months the Board deals with an issue like this because, for whatever reason, people can't get along; and that people do refer to that area of the Mt. Rose Highway as a big junkyard, which is unfortunate because it is beautiful property.

Chairman Bradhurst summarized that, in looking at the findings the Board must make, he would be hard pressed to make a finding on injurious to health, offensive to the senses, or obstruction of free use of property; that he would request that the Health Department keep an eye on this property on a regular basis over the next couple of years with Mr. Schmidt's permission to make sure there is not a breeding ground for deer mice or a violation of the solid waste ordinance. He then advised that the Board has received letters and one telephone message regarding this matter, which were placed on file with the Clerk.

Based on the finding that the matters complained of are aesthetic in nature and do not constitute a nuisance within the meaning of NRS 40.140, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bradhurst be authorized to execute:

RESOLUTION--Determination That There Is No Nuisance

WHEREAS, pursuant to NRS 244.360, on January 23, 1996 a hearing was held by the Board of County Commissioners on a complaint filed against Mr. Gary Schmidt alleging the existence of a nuisance within the meaning of NRS 40.140 at two properties (Reindeer Lodge and Tannenbaum) located along Mt. Rose Highway, Washoe County, Nevada; and

WHEREAS, testimony was received from the complainant and others, including county and Washoe County Health Department staff; and

WHEREAS, the board determines that the matters complained of are aesthetic in nature and, therefore, do not constitute a nuisance within the meaning of NRS 40.140;

NOW, THEREFORE, be it resolved by the Board of County Commissioners that no nuisance within the meaning of NRS 40.140 exists at the present time with regard to Mr. Schmidt's properties located along Mt. Rose Highway, Washoe County, Nevada.

96-73 AWARD OF CONSTRUCTION BID - OLD WASHOE WATER SYSTEM TRANSMISSION MAIN - UTILITY DIVISION

This was the time to consider award of construction bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on December 20, 22, 27, and 29, 1995, and January 3, 1996 for construction of the Old Washoe Water System Transmission Main for the Utility Division of the Public Works Department. Proof was made that due and legal Notice had been given.

The following bids were received:

Engineer's Estimate

\$206,150.00

## Contractor

## Bid

Mike's Trenching, Inc.	\$158,834.00
Gerhardt & Berry Construction	\$186,534.00
Joe Suter Construction	\$186,649.00
Interstate Utility Constructors	\$214,908.00
Hall's Excavating	\$219,504.00
S Bar R Construction	\$244,949.00
Dossey Construction & Excav.	\$248,585.00

John Collins, Chief Sanitary Engineer, responded to questions of the Board.

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the bid for construction of the Old Washoe Water System Transmission Main be awarded to Mike's Trenching, Inc., the lowest responsible, responsive bidder, in the amount of \$158,834, and Chairman Bradhurst be authorized to execute the contract documents upon presentation. It was further ordered that the Chief Sanitary Engineer be authorized to issue the Notice to Proceed.

It was noted that funds for the project are contained in the Public Works Construction Fund.

#### 96-74 LEASE AGREEMENT - SPACE FOR HEALTH DEPARTMENT SATELLITE WOMENS, INFANTS AND CHILDREN CLINIC (WIC) - GENERAL SERVICES

Upon recommendation of Bud Fujii, Director, General Services Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Lease Agreement between Washoe County (Lessee) and High Cash Partners, L/P (Lessor) for lease of space to facilitate operation and relocation of the District Health Department Satellite Womens, Infants and Children (WIC) Clinic for a sixty-month period commencing February 1, 1996 through January 31, 2001, be approved and Chairman Bradhurst be authorized to execute.

It was noted that no transfer of funding is required prior to fiscal year end; and that Risk Management, the District Attorney's Office, and the Finance Division have reviewed this matter.

#### 96-75 MUTUAL RELEASE AGREEMENT WITH STATE OF NEVADA - TERMINATION OF LEASE OF REAL PROPERTY OF WASHOE COUNTY - GALENA CREEK PARK - PARKS

Karen Mullen, Parks Department, presented a map of the subject park and answered questions of the Board.

Upon recommendation of Tyrone Brooks, Finance Division, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the "Mutual Release Agreement" between Washoe County and the State of Nevada to terminate "Lease of Real Property of Washoe County" dated December 5, 1969, at Galena Creek Park be approved.

It was further ordered that the Parks Department work with Finance and Buildings and Grounds in determining funding levels, cost of repairs, and projected usage and revenues for the NDF residence and the historic stone building.

#### 96-76 REIMBURSEMENT OF TRAVEL EXPENSES - REGISTRAR OF VOTERS RECRUITMENT - PERSONNEL

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that reimbursement of travel expenses for four candidates competing for the Registrar of

Voters position be approved.

It was noted that the total cost to reimburse the candidates for transportation, meals, and lodging is approximately \$2,500; and that these expenses will be paid from the Registrar of Voters' budget.

#### 96-77 NEW CLASSIFICATION - PERSONNEL

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the New Classification of Probate Estate Case Manager, code 0187, grade Y105 (\$29,182.40 - \$38,896.00) be approved.

It was noted that there is no additional fiscal impact as the position has already been approved by the Board in the 1995-96 budget for the Public Administrator's Office.

#### 96-78 EMPLOYEE COURSE ENROLLMENTS

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following employees be granted approval to enroll in the following courses and seek reimbursement for expenses upon satisfactory completion with a grade of "B" or better:

1. Library: Larry Olson, Senior Library Assistant, course entitled "Advanced Issues in Information Resources (LIS 688)," being offered by the University of Arizona's Distance Education Program.
2. Health Department: DeLynn Gillentine, Principal Clerk Typist, courses entitled "Computer and Office Technology 201," and "Computer and Office Technology 202," at Truckee Meadows Community College.
3. Personnel Department: Laura MacMahon, Sr. Personnel Analyst, course entitled "Communication Training Systems (SPCM 680)," at the University of Nevada, Reno.
4. Collections Division: Gwen Atkins and Robin Greco, course entitled "2nd Year Spanish I," at Truckee Meadows Community College.
5. Comprehensive Planning Department: Kim Carlson, Strategic Planner, course entitled "Program Design and Evaluation (PSC 755)," at the University of Nevada, Reno.
6. Parks Department: Deb Snyder, Park Ranger, course entitled "Geology of Nevada" at Western Nevada Community College.

#### 96-79 BUDGET AMENDMENT - FY 1995/96 WOMEN, INFANT AND CHILDREN'S (WIC) MARKETING PROGRAM

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the amendment to the Fiscal Year 1995/96 WIC Marketing Program in the amount of \$31,000 in federal funds be approved and the following account transactions be authorized:

Account Number	Description	Amount
002-1700-1707G-4301	Federal Funds	\$31,000.00
002-1700-1707G-7140	Other Professional Services	\$31,000.00

#### 96-80 GRANT OF EASEMENT - SANITARY SEWER FACILITIES - CITY OF SPARKS - PUBLIC WORKS

Upon recommendation of James Gale, Department of Public Works, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Grant of Easement between Washoe County and the City of Sparks for a permanent easement and right-of-way for sanitary sewer facilities to connect Wildcreek Business Park into the existing sanitary sewer main located on the Wildcreek Golf Course be approved and Chairman

Bradhurst be authorized to execute.

96-81 AMENDMENT TO LETTER OF CREDIT - HIDDEN CANYON SUBDIVISION UNIT 2 - PUBLIC WORKS

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the Amendment to Letter of Credit No. S-2825/047 increasing the amount from \$261,000 to \$267,000 for Hidden Canyon Subdivision Unit 2 be approved.

96-82 GRANT, BARGAIN AND SALE DEED - GEORGE KARADANIS AND ROBERT MALOFF - WATER RIGHTS

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Grant, Bargain and Sale Deed for 2.02 acre-feet of water rights being a portion of Permit 60128 between George Karadanis and Robert Maloff as Grantor and Washoe County as Grantee be approved and Chairman Bradhurst be authorized to execute. It was further ordered that the Chief Sanitary Engineer be directed to record the Grant, Bargain and Sale Deed with the County Recorder.

96-83 TRANSFER OF APPROPRIATION AUTHORITY - FINANCE TO MANAGER

Upon recommendation of Jerry McKnight, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the following transfer of appropriation authority from the Finance Division to the Manager's Office be authorized:

Account	Decrease Description	Amount
001-1031-7105	Finance Consulting Services	\$100,000.00
Account	Increase Description	Amount
001-1011-7105	Manager's Consulting Services	\$100,000.00

96-84 TRANSFER OF TRAVEL APPROPRIATIONS - INCLINE CONSTABLE

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the transfer of travel appropriations for the Incline Constable be approved and the following account transactions be authorized:

Account	Decrease Description	Amount
1261-7205	Minor Furniture & Equipment	\$500.00
Account	Increase Description	Amount
1261-7620	Travel	\$500.00

It was noted that the Incline Constable previously had no line item for travel and this will allow the Constable to travel for training purposes.

96-85 CORRECTION OF FACTUAL ERRORS - 1993, 1994, 1995 AND 1996 TAX ROLLS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owner, a copy of which is placed on file

with the Clerk. It was further ordered that the Order directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

1995 Supplemental Roll

Roll Change Request No. 255 J. Stephen & Karen J. Peek APN 009-704-15  
Roll Change Request No. 261 Richard E. & Janice R. Kemp APN 028-402-22

1993 Secured Roll

Roll Change Request No. 257 Patricia I. Crouse APN 013-192-20

1994 Secured Roll

Roll Change Request No. 258 Patricia I. Crouse APN 013-192-20

1995 Secured Roll

Roll Change Request No. 259 Patricia I. Crouse APN 013-192-20  
Roll Change Request No. 260 Mary J. Hindley APN 026-515-29

1996 Secured Roll

Roll Change Request No. 256 J. Stephen & Karen J. Peek APN 009-704-15

96-86 STREET NAME CHANGE - HIDDEN CANYON DRIVE TO HIDDEN HIGHLANDS DRIVE

Upon recommendation of Margaret Spicher, Coordinator, Regional Street Naming Committee, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the request to change the name of Hidden Canyon Drive, located north and south off of Hidden Valley Drive, to Hidden Highlands Drive, be approved, effective immediately.

96-87 STREET NAME CHANGE - MORROCO COURT TO SAGE CREEK COURT

Upon recommendation of Margaret Spicher, Coordinator, Regional Street Naming Committee, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the request to change the name of Morroco Court, located west off of Blue Skies Drive, to Sage Creek Court, be approved, effective July 23, 1996.

96-88 STREET NAME CHANGE - PUNTA DE VISTA TO LA COLINA COURT

Upon recommendation of Margaret Spicher, Coordinator, Regional Street Naming Committee, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the request to change Punto de Vista, located North off of Capistrano Drive, to La Colina Court, be approved, effective July 23, 1996.

96-89 REQUEST TO U.S. POSTAL SERVICE - ACCEPT THE NAME WASHOE VALLEY WITHIN THE LAST LINE OF ADDRESS - DEVELOPMENT REVIEW

John MacIntyre, County Manager, reviewed background information and advised that discussion was held on this item at yesterday's caucus meeting.

Upon recommendation of Greg Ekins, Department of Development Review, on motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, it was ordered that the request to the United States Postal Service to accept the name Washoe Valley within the last line of an address be approved and executed by the Board members.

Commissioner Sims thanked Greg Ekins and the Department of Development Review for their work on this matter. He also thanked the members of the Washoe Valley Citizens Advisory Board for their efforts regarding this issue.

96-90 REQUEST FOR STATEMENTS OF QUALIFICATION AND PROPOSALS - WATER RATE STUDY - UTILITY

John MacIntyre, County Manager, reviewed background information regarding this item.

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the Request for Statements of Qualification and Proposals for a Water Rate Study, as outlined in the agenda material, be approved.

Commissioner Shaw requested that the Board be provided with monthly updates regarding this issue.

#### 96-91 HASTY TEAM RESCUE/EXTRICATION EQUIPMENT EXCHANGE - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sims, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the exchange of two older pieces of extrication equipment be approved as followed:

#### ITEMS:

Current	To Be Replaced With
1. Hurst Model JL22 Jaw SN39595	Phoenix Jaw/Cutting Comb. Tool
2. Hurst Model "O" Cutter SN0764	Phoenix C/C Cutter

It was noted that the older equipment is becoming less dependable and requires more frequent maintenance, and the new equipment is more efficient and proven safer for rescue personnel; and that no taxpayer funds will be expended for this exchange/purchase.

#### 96-92 UNBUDGETED CAPITAL OUTLAY - BREATH ALCOHOL DEVICES - SHERIFF

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the unbudgeted capital outlay for the purchase of evidentiary and preliminary breath alcohol devices in the amount of \$26,235 be approved.

It was noted that this equipment will be funded from drug fines collected under the provisions of NRS 453.575 and there will be no impact on the general fund; and that sufficient moneys are available in account No. 15222D for this expenditure.

#### 96-93 TRANSFER OF APPROPRIATION AUTHORITY - AWARD OF CONSULTING CONTRACT - JAIL STAFFING REQUIREMENTS - SHERIFF

John MacIntyre, County Manager, reviewed background information and advised that, at yesterday's caucus, there was discussion relative to coordination between the work currently being done by David Bennet and the contract with Liebert and Associates before the Board for consideration at this time.

Gary Goelitz, Finance Division, advised that Finance has spoken with David Bennet and Dennis Liebert as well as the two consultants assisting on the criminal justice master plan, and all consultants will be meeting the first week of February to coordinate their efforts. Chairman Bradhurst stated that he would like an analysis of the staffing requirements that would include the entire operation of the Sheriff's Detention Center and the Positive Production Boot Camp. Commissioner Mouliot commented that he would like the effort to take into account some rehabilitation which has been instituted by the Sheriff. Mr. Goelitz stated that the issue is to arrive at numbers everyone can agree on regarding whether the Boot Camp Positive Production requires more staff than a normal housing unit, and the associated costs; and that it would be up to the Board as policy makers to determine the direction the County wants to take. He noted that the contract will also evaluate the staffing at the Courthouse as well as opportunities to civilianize some classifications and transportation positions, etc.

Sheriff Kirkland was present to respond to questions of the Board.

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, Finance Division, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the transfer of \$22,575 in appropriation authority be approved and the following account transactions be authorized. It was further ordered that the consulting contract for the analysis of staffing requirements for the Jail be awarded to Liebert and Associates and Chairman Bradhurst be authorized to execute the contract document.

Transfer From:

Low	Org	Account Title	Amount
1124	7820	Data Processing Hardware	\$22,575.00

Transfer To:

Low	Org	Account Title	Amount
1031	7105	Consulting Services	\$22,575.00

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Commissioner Shaw left the meeting.

96-94 REQUEST FOR QUALIFICATIONS - PRIVATIZATION OF CIVIL SECTION - SHERIFF

John MacIntyre, County Manager, provided background information and advised that discussion was held regarding this item.

Chairman Bradhurst commented that the issue is there would be a cost savings with privatization of the civil section of the Sheriff's Department; that there would be elimination of five deputy positions, one sergeant position, and three clerical positions; and that the incumbents of these positions would be absorbed into existing vacancies within the Sheriff's Department or other County Departments.

Sheriff Kirkland explained that, while saving money is very important and the Sheriff's Office is doing all they can to that end, the primary function of pursuing privatization is so that those deputies can be put in areas where they are badly needed for the same dollar amount. He discussed issues relative to grant moneys and how the department can benefit from these moneys without jeopardizing that funding. Sheriff Kirkland and Mr. Goelitz then responded to questions of the Board relative to the reduction in costs for the civil process, staffing issues, and the nonsupplanting grant requirement. Chairman Bradhurst commented that the Federal grant is expected to be used for ten deputies in the community and six would be absorbed from the privatization of the civil section with a net increase of four positions. He requested that this be brought back before the Board for authorization so that the record is clear on this matter. County Manager MacIntyre noted that although the nonsupplanting requirement has been addressed and staff feels there is no supplanting issue at this point, he would recommend further analysis be done in this regard and presented to the Board at the first meeting in February.

Scott Whittey, Incline Constable, stated that the Constables are all sworn peace officers and provide services parallel to the civil section of the Sheriff's Office now; and that rather than going outside to process servers or privatizing organizations, they request that the Board consider passing on those civil duties to the Constables. A discussion commenced regarding the Constables request and Gary Goelitz, Finance Division, stated that the Constables could submit a proposal and Finance would be willing to discuss this matter with them before going out for an RFP.

Bob Burdick, Executive Director, Washoe County Employees Association, stated that they represent the three civilian employees who will be displaced by the proposal and advised that they are understandably concerned that they may be demoted or adversely affected by this action.

Sheriff Kirkland advised that it has been the Sheriff's position to place this matter before the Commission in a fashion that

would insure that those employees would have first right of refusal to any comparable job in the Sheriff's Office or other County Department; that Personnel has assured that this can take place and there is a procedure to do that; and that it is their position not to eliminate their jobs.

Ward Peterson, Reno Township Constable, asked whether privatization would require sworn personnel to execute garnishments, etc., and if the Sheriff will have to supply someone for that. Sheriff Kirkland stated that he has been advised by the District Attorney's Office that this would not be required and he can provide a copy of that opinion.

Upon recommendation of Gary Goelitz, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the issuance of a Request for Qualifications for the privatization of the Civil Section of the Sheriff's Department be approved; that the Sheriff be directed that any cost savings generated by the privatization be utilized as the County's match to the COPS Universal Grant; and that information from the Finance Division relative to the net increase of four deputies be provided to the Board

96-95 ACKNOWLEDGE PUBLICATION OF NOTICE OF INTENT TO AUGMENT BUDGET - RESOLUTION TO AUGMENT GENERAL FUND - TRANSFER OF APPROPRIATION AUTHORITY

John MacIntyre, County Manager, reviewed background information and advised that there was discussion on this item at yesterday's caucus regarding the "parking" of the \$510,002 department carry-over moneys at this point in time and requesting Finance to outline other potential sources to address the financial needs of the Sheriff's Department. He provided information relative to the ending fund balance and the role of the Finance Division, and thanked Sheriff Department staff for their willingness to share information and work with Finance and the Manager's Office to help solve their financial challenges .

Chairman Bradhurst stated that he would suggest that the \$510,002 year-end carryover that represent 20% of all department carryover funds not be used at this point and that funds be found elsewhere if possible. He commented that as everyone will be suffering to meet these financial obligations, the Board may find it prudent to look at money set aside for other operations such as SNCAT TV, etc.

Gary Goelitz, Finance Division, stated that, if the Board is hesitant about tapping the year-end carryover money at this time, he would request that staff be directed to come back at the Board's first meeting in February with some alternatives. He advised that other alternatives are out there and staff would work with the Sheriff's Office and other departments to identify available options. Mr. Goelitz then responded to extensive questions of the Board.

Chairman Bradhurst requested that Finance continue to work diligently with the Sheriff's Office to find savings, noting that a lot of progress has already been made. He suggested that the Commissioners consider scheduling a workshop at the Detention facility around the second week in February so that the Board could obtain a better understanding of the Positive Production Program and Master Plan for the Detention Center.

Chairman Bradhurst requested that Mary Henderson, Director of Government Affairs, provide information relative to the SNCAT budget. Ms. Henderson reviewed the status of the SNCAT program and advised that there is currently \$220,000 in that budget.

Mr. Goelitz advised that if the Board chooses not to transfer the carryover funds, adjustments would need to be made to the appropriate accounts, which he reviewed. Upon inquiry of Chairman Bradhurst, Sheriff Kirkland and Mr. Goelitz advised that these transfers would not have to be done today and this item could be continued to the first meeting in February.

Commissioner Sims stated that he would prefer not to continue this item, but expressed concern about what impact the total appropriation would have for the next fiscal year.

Following further discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the transfer of appropriation authority to the Sheriff's Department, as outlined in the agenda memorandum, with the exception that the \$510,002 in year-end carryover funds be removed and adjustments be made to the appropriate

accounts, be approved. It was further ordered that staff respond back to the Board at the first meeting in February with other alternatives to make up that difference.

Jerry McKnight, Finance Division, advised that the Resolution To Augment The General Fund would need to be amended to reflect the changes approved by the Board and adopted at a future meeting.

96-96 REPLACE PAGE 7 - REPORT TO BOARD OF COUNTY COMMISSIONERS REGARDING GRAND JURY REPORT - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the replacement of Page 7 of the Report to the Washoe County Board of Commissioners regarding the Washoe County Grand Jury Report on their Investigation CV94-04273 dated December 8, 1995, as outlined in the agenda memorandum dated January 11, 1996, be approved.

96-97 COMMISSION BOARD/COMMITTEE ASSIGNMENTS

Chairman Bradhurst stated that this is the time to review with the Commissioners if they are comfortable with their Board and Committee assignments and advised that Commissioner Bond has expressed an interest in serving on the RTC Board and on the RSCVA.

Commissioner Bond stated that she feels representation on the RTC Board is heavily weighed for one specific district and the north has no representation on that board; and that, since the north is one of the largest and fastest growing areas and her constituents want to be represented, she would like to lobby for the RTC position, but would prefer to do so when Commissioner Shaw is present. She then stated that if someone decided they did not wish to continue on the RSCVA board she would be happy to consider serving on it.

Chairman Bradhurst stated that Commissioner Bond makes a good point about RTC representation, and the Board may want to address its policy in that regard.

He suggested that this item be continued to February 13, 1996 when the entire Board will be present for discussion of these issues.

COMMISSIONERS'/MANAGER'S COMMENTS

Commissioner Bond commented that she has been made the liaison between Social Services and the Board, which she does not mind, but is concerned about perceptions as she has known May Shelton for approximately 20 years both professionally and personally, which may result in some criticism that her observations may be influenced by that relationship.

Chairman Bradhurst stated that he felt it was important for a Commissioner to be closely associated with Social Services and because of Commissioner Bond's service on the Health Board he hoped she would be willing to serve in this capacity. He stated that he believes the Commission members and the public are familiar with Commissioner Bond's independence and integrity and he is comfortable with her working with Social Services.

There being no further business to come before the Board, the meeting adjourned at 2:00 p.m.

STEPHEN T. BRADHURST, Chairman  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk