

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. MAY 21, 1996

PRESENT:

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

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

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

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 May 21, 1996 meeting be approved with the following amendments -- Delete: Item 11, New Classification - Court Division Manager and compensation schedule for District Court.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the minutes of the regular meetings of April 16 and 23, 1996 be approved.

96-430 BILL NO. 1130 - AMENDING WASHOE COUNTY CODE - CHAPTER 55 - EXOTIC ANIMAL ADVISORY BOARD

Bill No. 1130 entitled "AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55, SECTION 55.368, REGARDING QUALIFICATIONS FOR MEMBERSHIP ON THE EXOTIC ANIMAL ADVISORY BOARD; AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

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THE BOARD CONVENED AS THE BOARD OF TRUSTEES FOR THE SIERRA FOREST FIRE PROTECTION DISTRICT

9:30 a.m. This time was set in a continuation of Public Hearing to consider final adoption of the Fiscal Year 1996/97 Budget for the Sierra Forest Fire Protection District.

Bob Ashworth, Sierra Forest Fire Protection District, answered questions of the Board concerning projected overtime and levels of

service for the district.

Deputy State Forester Otis Turner discussed overtime issues and the relationship between Washoe County, the State Division of Forestry and the Sierra Forest Fire Protection District. He explained that they are adjusting the level of service to maintain compliance with recent OSHA requirements and Attorney General opinions relating to safety and staffing; and that current budget adjustments deal on a state-wide basis with the State of Nevada's level of funding through State General Fund dollars existent in emergency accounts; and that when a large amount of overtime exists and individuals who are on overtime status are replaced with paid individuals, overtime costs are actually diminished as the State picks that amount up through budget account No. 1014196 (Emergency Services).

Chairman Bradhurst called on those wishing to speak. There being no response, the hearing was closed.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the Fiscal Year 1996/97 Budget for the Sierra Forest Fire Protection District be adopted.

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THE BOARD RECONVENED AS THE BOARD OF COUNTY COMMISSIONERS

96-432 WASHOE COUNTY BUDGET - PUBLIC HEARING

9:30 a.m. This was the time set in a continuation of Public Hearing to consider final adoption of the Fiscal Year 1996/97 budget for Washoe County.

Jerry McKnight, Budget Coordinator, reviewed the proposed budget and answered questions of the Board.

Chairman Bradhurst called on those wishing to speak. There being no response, the hearing was closed. On motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the Fiscal Year 1996/97 Budget for Washoe County be adopted.

96-433 PROJECT TO MAP PUBLIC ROADS

9:30 a.m. This was the time set in a continuation of Public Hearing from April 23, 1996 to consider a project to map public roads and the possible adoption of maps concerning roadways located within Washoe County, Nevada.

Jack Holmes, County Surveyor, reviewed background information concerning this item advising that in March 1995 the Public Land Access Coalition requested the Board to prepare maps identifying public roadways in Washoe County and the maps displayed this evening identify County, BLM and State roadways; that the Forest Service, the BLM and the Washoe County Road Department have created different colored roadways indicated on the maps; that for the most part, they have not received opposition to these roads; and that subsequent to their notification of "presumed" public roadways to approximately 100 property owners in Northern Washoe County, they received minimal concern regarding the publication of a map identifying roadways in the County. Mr. Holmes further advised that they are currently in the final stages of completing maps of Southern Washoe County; and that he would request direction from the Board as to how to proceed with the mapping process.

Mr. Holmes explained that the main areas of controversy are the areas identified in "red" on the maps, initiating at Pyramid Lake and extending to the Oregon/Idaho State border; that they are a part of the Nevada Map Atlas which identifies roadways but not their specific use; that this mapping project identifies specific use as it relates to Federal, County, State and roadways that have historical evidence of public use; that they have not verified the historical usage of the roads, and as a result, have identified them as "presumed public"; and that the end result will allow the County to identify the location of County maintained roadways, BLM roadways and State roadways.

Deputy District Attorney Madelyn Shipman advised that the Nevada Supreme Court is the body that would ultimately adjudicate the public or non-public nature of roadways.

Chairman Bradhurst continued the public hearing and called on those wishing to speak concerning this issue.

Wayne Capurro, attorney representing Big Canyon Ranch located West of Pyramid Lake, distributed correspondence to the Board describing various private roads located on the ranch which have been constructed by ranch personnel. He advised that his family has operated the ranch since 1940; that all of the roads are maintained by the family; that the roads have been constructed where cattle trails have existed for the movement of cattle from the fields in the wintering area of the ranch to the high country; that the area from the County road going along Pyramid Lake on the west side to the entrance to the Big Canyon Ranch is approximately 2-1/2 miles in length and has also been maintained by the Capurro Family. Mr. Capurro further cited issues of trespassing, carelessness, fire danger, vandalism and historical usage concerning this issue and encouraged the Board to maintain the private quality of the roads located on Big Canyon Ranch so that they can use them for the purposes for which they were intended.

Galen Mitchell stated that he has visited the Capurro Ranch and would concur with Mr. Capurro's testimony.

Tom Belaustegui, representing John Casey and Holland Livestock Ranch, stated that Mr. Casey has approximately 20 parcels affected by this proposal; that most of the parcels are in different areas not located on the same ranch; and that although letters distributed to various property owners involved indicate that evidence supporting public use of the roads could be reviewed, this material has not been available. Mr. Belaustegui referenced a hot springs on the Fly Ranch designated as a public road on one of the maps explaining that the hot springs are popular destinations for individuals who enter the springs not knowing which springs are excessively hot and therefore get burned; that Mr. Casey has been sued a number of times over this issue and as a result, his insurance company has stated that they will not issue insurance unless he fences the springs to keep people out; that if the County declares these as public roads, Mr. Casey's insurance will be cancelled; and that he owns over 100,000 acres of privately owned property which would create a major problem. Mr. Belaustegui then requested the Board not to proceed with this project.

Jean Snider Schadler, representing the Schadler Ranch, stated that they have checked all of the patents concerning property owned by Schadler Ranch as well as reservations that show up in the title report and there is no such reservation for transportation right-of-ways; that there are two patents that contain reservations for ditch right-of-ways but no road right-of-ways and they request that the roads indicated in red in Northwest Washoe County that cross, enter or provide access to Schadler Ranch property be eliminated from this project.

Mike Alberg, representing Pyramid Associates, distributed correspondence and maps (placed on file with the Clerk) to the Board concerning this issue stating that the Board should be cautious when considering the "red" roads across private property because in his case, the road running across his private property is indicated in "brown" on the map. He stated that it would appear from previous meetings concerning this issue that the three criteria being utilized are: (1) that the roads were in existence prior to patenting, which is not the case on his land) (2) that it is the only route available in their area (there are four or five other roads, some of them are easements through the BLM in existence for road use) and (3) that the roads were either maintained by the County or constructed by the County or another public agency (this is not the case with his roads).

Mr. Alberg further stated that the County should be cautious in identifying these roads as it is actually an appropriation for public use in which the County may be liable to pay compensation for these roads as well as being liable to maintain them and liable for accidents that may occur.

Mary Hickman, a resident of Bellingham, Washington, referred to her property indicated on the maps and questioned historical information submitted by the Coalition.

Jeff Frost, Northern Nevada property owner, discussed a fence erroneously placed on his property by the BLM advising that they will be removing the fence in the very near future, as upon review of Nevada land, the BLM believes that this was a mistake to have his property on the map indicated in "red" as there is easy access by driving 1-1/2 miles to the south of his property to circumvent any travel across his land.

George Kent, representing the Nevada Public Land Coalition, spoketo issues raised by Mr. Capurro regarding roads constructed by his family. Mr. Kent stated that this would be evidenced by the survey or the Nevada Public Map Atlas and beso noted; that if the roads are not part of the original survey, the position of the Coalition is that the road does not belong there. Mr. Kent then requested that the Board complete the current series of maps, record them as public access, and if there are roads that appear in error, then take appropriate abandonment procedures to clear individual titles. Mr. Kent discussed the Schadler Ranch stating that there is no historical evidence of that road being on the original survey, therefore, in their view, the road does not belong there and should be removed. He further stated that BLM survey material had been delivered to Jim Gale, Senior Property Agent, following the Gerlach meeting documenting everything that was not originally provided. Mr. Kent stated that he would endorse any request for an abandonment of a road that should not be declared on a map as public if there is not any historical evidence or the road has an alternate access.

Helen Leveille, President, Nevada Public Land Coalition, discussed the BLM surveys stating that they are U.S. Geological Surveys that were done before the BLM ever came into existence and encouraged the Board to accept the maps as public roads.

Brent Espil, a resident of Gerlach, Nevada, stated that when property owners originally received correspondence concerning this issue, they were not given the opportunity to explain that there may be alternate access around their private properties; that there are roads on public lands circumventing private property; and that he would encourage the Board to remove the roads from their private property that do not belong there.

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

In response to Mr. Alberg's statement that roads across his property are indicated as "brown" on the map, Mr. Holmes explained that the Nevada Division of Mines representative who served on the Technical Advisory Committee to help identify roads leading to mines marked them as "brown" on the maps. He further explained that most of the information submitted to staff has not been verified or authenticated; that the current maps represent a compilation of many different interests; and that they stand subject to change or correction as evidence is verified or dismissed.

Commissioner Bond inquired whether it would be feasible not to designate the "red" areas as public roads at this time, to negotiate individually with the various individuals who may be impacted by any designation to see if there are alternative routes, and to designate the alternative routes "red".

Mr. Holmes stated that these roads could be individually considered and alternate routes could be established by agreement with the ranching community and Washoe County; and that the Board may want to adopt a portion of the maps that are not controversial. He encouraged all individuals that may be affected by this to contact Washoe County Engineering staff with evidence so that any possible errors could be corrected.

Chairman Bradhurst stated that steps should be taken to finalize the maps that have little dispute, and Mr. Holmes advised that these maps would ultimately be incorporated in the GIS Program. Chairman Bradhurst further stated that this map would be brought back to the Board for adoption; that Mr. Alberg's issue would be addressed; and that interested parties would be notified concerning the adoption of these maps.

Chairman Bradhurst stated that the work which has taken place to date on this issue should not be dismissed; that if staff has the time and the property owners are willing to work with the County, a map should be produced depicting the public roads where there is no dispute which represents approximately 90% from Pyramid Lake to the North; and that the property owners that have concerns about a road designated public going through their property can work with County staff on an alternative route and then abandon the designated public road in favor of that alternate road if such is determined.

Commissioner Shaw requested a time limit on this project and Mr. Holmes stated that perhaps the map could be prepared by early Fall for adoption by the Board; and that correspondence be forwarded to those individuals with property marked in "red" informing them if they are desirous of clearing them up that they need to contact County staff a soon as possible.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that a map be prepared containing approximately 90% of the designated roads not in question and brought back to the Board in the Fall; that those areas marked in "red" be temporarily held in abeyance until such time as individuals who may be impacted by this designation have the opportunity to contact the County to address this issue; that Mr. Alberg's concerns be addressed; and that staff consider issues relating to the issuance of building permits and parcel maps, calls to the Sheriff's Office concerning trespassing, vandalism and gate tampering as they relate to public and private roadways.

96-434 CLARIFICATION OF CONDITIONS AND POSSIBLE REVOCATION PROCEDURES - BUSINESS LICENSE MIGHTY DISTRIBUTING OF NEVADA, INC./KELVIN LAU - DEVELOPMENT REVIEW

Chairman Bradhurst advised that the Board has recently received complaints from John and Carol Raphael, neighbors residing adjacent to Kelvin Lau/Mighty Distributing of Nevada with respect to whether or not the conditions of his business license have been complied with; that conditions imposed on Mr. Lau's business license on January 16, 1996 were: (1) that the hours of operation of the forklift are to be Monday through Friday 9:00 a.m. to 5:00 p.m.; preferably when Mr. and Mrs. Rafael are not home; (2) that there are to be no deliveries to the west side of the home, (3) no commercial truck deliveries, and (4) a limit of 25 pallets on the property which shall be removed from public view. Chairman Bradhurst stated that he had received telephone calls indicating that the pallets still remained in view as well as a Yellow Freight Truck delivery which was clearly not permissible pursuant to the business license conditions; that representations made by Mr. Lau as well as by his attorney indicate that the deliveries ceased following the Board meeting in January; and that the Board has to determine whether they have the grounds to revoke Mr. Lau's business license based on violation of the conditions previously imposed.

In response to Commissioner Sim's inquiry as to whether evidence existed to indicate that any of the conditions have been violated, Rich Kishpaugh, Business Licenses and Code Enforcement, Department of Development Review, stated that he did have evidence including photographs of the pallets taken on May 16, 1996 depicting 115 to 120 pallets in plain view of the street, photographs taken from the middle of Markridge Drive which would be in public view, a freight bill from Yellow Freight Company showing a delivery on May 3, 1996 to Kelvin Lau/Mighty Distributing of a 283 lb. package; that the vehicle appeared to be at the residence between 11:53 a.m. and 12:10 p.m. on that date; and that the Raphael's contend that there is a considerable amount of noise with regard to the operation of the forklift. Mr. Kishpaugh further advised that he has photographs of a second truck delivery on May 17, 1996 and a delivery bill from the second truck showing that it was not a delivery but rather a pickup, however, this may still may be a point of discussion; and that no other complaints had been received from neighbors concerning this matter.

Kelvin Lau, Business Licensee, stated that when the Board hears the evidence and checks with the freight companies they will see that he has done his best to comply with the business license conditions. He stated that documentation from Yellow Freight Company indicates that they could not recall any deliveries by his company to his address within the last several years; that he has always picked up that shipment even prior to the January 16th meeting; that a truck was sent to his residence in error; that he was home at the time and explained to the truck driver that he could not receive shipments at his home; that he has agreed to pick up all of his shipments from the freight depots; that he refused this particular shipment and told the driver to unload the shipment in a more suitable location down the street. He further advised that two other freight companies, ABF and Nationsway allege that they have not made a single delivery to Mr. Lau's home; that for the past six months he has stuck to that requirement and at great expense and inconvenience to himself involving the purchase and maintenance of another vehicle and additional time involved to make pickups at Nationsway located in Sparks, 13 miles from his home.

Mr. Lau stated that it was his intention after the January 16, 1996 meeting to burn a significant number of pallets during the winter; that he has a work order from Sweep Easy Company dated January 19, 1996 in his contemplation of getting his chimney in good shape before he started burning the pallets; that a company representative advised Mr. Lau that a number of repairs had to be made on the chimney before it was safe for use; that during the months of January and February he has expended numerous funds in attorney's fees; that it did not seem prudent to fix the chimney at that point; and that it was his intention to cut the pallets up for firewood in an attempt to comply with conditions of the license.

Mr. Lau advised that he has expended considerable effort and money to address the complaints but has realized, and it was stated

by Mr. Raphael at the January 16, 1996 meeting, that the only thing they would be satisfied with is for him to be forced to move his business; that on three occasions, Mike Harper of the Department of Development Review offered mediation, a neighbor offered mediation, and the County Commission recommendation mediation, and each time he accepted and the Raphaels turned down those offers; and that it seems he is faced with a situation where no matter what he does, it is not going to be satisfactory to the Raphaels. He stated that he loves his neighborhood and every other adjacent neighbor has supported his position as evidenced by their written letters which have been provided; that when he realized that a complaint had been filed, he had no idea of the nature of the complaint but was informed that the pallets were mentioned, and he immediately showed good faith in trying to mitigate that problem; that there is a monetary value to the pallets and they also have a value as firewood, which is what he wanted to use them for, but he called the trucking company to come pick up the pallets because he decided it was not worth the aggravation to keep them. He presented photographs to show that the pallets had been removed from the property. He advised that a truck has only shown up at his home two times in the last six months, being the Yellow Freight Company, which came to the home in error, and the truck to pick up the pallets. Mr. Lau then responded to questions of the Board and advised that he has used the forklift on the west side of his property only and has never unloaded his truck on the west driveway.

Commissioner Bradhurst stated that if Mr. Lau had followed the conditions that the Board placed on his business license, this problem would not have occurred, particularly as it relates to the pallets.

Carol Raphael, neighbor, advised that she has no recollection of the neighbor or any other offer of mediation other than an offer made by Mr. Harper several years ago which she and her husband did turn down.

Commissioner Bradhurst stated that the testimony as to the erroneous delivery made by Yellow Freight could be verified, but that the pallet issues causes some concern because it appears they sat in view for an extended period of time, and it was not until a letter was sent to Mr. Lau informing him that the Commission was going to have this hearing something was done.

Commissioner Sims commented that Mr. Lau has admitted, and testimony has been provided through photographs, to a violation of at least one of the conditions which Mr. Lau agreed to comply with, which was that only 25 pallets would remain on the property which were to be placed out of sight; that he does not think testimony given today would back up the claim that a truck delivery was made; and that he believes the proper document should be drafted to revoke Mr. Lau's business license because of the violation of conditions. Mr. Lau responded that there was no time factor placed on the condition for removal of the pallets. Commissioner Sims stated that there also was no grace period provided and he feels it was implied that those conditions would be met immediately, not six months later. Mr. Lau assured the Board that if the condition had said immediately, he would have complied immediately.

Commissioner Mouliot stated that he supports directing the District Attorney to draft the complaint, not only for the reasons mentioned by Commissioner Sims, but also because the business is very nonconforming in that residential neighborhood.

On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the District Attorney's Office be directed to draft the complaint and receive an answer; and that a public hearing be set on the revocation of Mr. Lau's business license based on the violation of conditions.

96-435 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 20 victims of sexual assault in an amount totaling \$8,433.00 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated May 6, 1996.

96-436 ABOLISHMENT - POSITION #50 (FULL-TIME PRINCIPAL CLERK TYPIST) & POSITION #705 (PART-TIME PUBLIC SERVICE INTERN) - HEALTH

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Position #50 (Full-time Principal Clerk Typist) and Position #705 (Part-time Public

Service Intern) be deleted from the Health Department's Authorized Position Table.

It was noted that the salary and benefits savings associated with the abolishment of these positions approximates \$45,415.00.

96-437 RESOLUTION - INCREASING REVOLVING FUND - DISTRICT ATTORNEY, FAMILY SUPPORT DIVISION - TREASURER

Upon recommendation of Bill Berrum, Washoe County Treasurer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute:

RESOLUTION Increase the Revolving Fund from \$1,000 to \$5,000 for the Washoe County District Attorney's Office, Family Support Division

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund revolving fund accounts; and

WHEREAS, The Washoe County District Attorney has requested an increase in their Family Support revolving fund from \$1,000.00 to \$5,000.00 to assist in the administration of that office;

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

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$4,000.00 increase in the revolving fund (for a total of \$5,000.00) for the Washoe County District Attorney.
2. That the above additional \$4,000.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said revolving fund be used exclusively for transactions related to the Washoe County District Attorney's Office, Family Support Division.
4. That the District Attorney shall henceforth be held accountable for the revolving fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this resolution to the Washoe County Treasurer, Comptroller, District Attorney, and the Nevada Department of Taxation.

96-438 STATE OF NEVADA, DEPARTMENT OF TAXATION - MEDIUM-TERM FINANCING - LEASE PURCHASE - HEAVY FLEET EQUIPMENT - FINANCE

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of approval from the State of Nevada, Department of Taxation, regarding medium-term financing for the lease purchase of new fleet heavy equipment in the amount of \$1,943,570.24, be acknowledged.

96-439 COPS MORE GRANT - WITHDRAWAL OF PERSONNEL PORTION - UNBUDGETED CAPITAL OUTLAY - SHERIFF

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the personnel portion from the COPS MORE grant be withdrawn; that an unbudgeted capital outlay for the purchase of 20 mobile data terminals using the remaining grant funds with local matching funds provided by asset forfeiture be approved; and that the Comptroller be authorized to make necessary account changes.

It was noted that the fiscal match required by the County would amount to \$27,000; that moneys would be provided by asset forfeiture (15141D-4311) should be transferred to 15269G-4311; that expenditures for unbudgeted capital outlay would occur with 15269G, a grant account for COPS MORE; and that the total grant amounts to \$108,000 with \$81,000 being the grant and \$27,000 being

the local match.

96-440 AWARD OF BID - BID NO. 1919-96 - SEWER LINE CLEANING - UTILITY

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on March 12, 1996 for Sewer Line Cleaning for the Utility Division of the Public Works Department. Proof was made that due and legal Notice to Bidders had been given.

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

Whitco Inc.
HydroTech, Inc.
Cal Sierra Construction, Inc.

National Plant Services, Inc., D.B.A. Rodding-Cleaning Services, Inc., submitted a "no bid" response, and Jet Plumbing and Drain Service, Pacific Pipeline Survey, John L. Lessman (ABC Service) and Val Kotter & Sons, Inc., failed to respond to the Invitation to Bid.

It was noted that after evaluation by the Purchasing Department and the Utility Division, the lowest, responsive, responsible bidder was determined to be Whitco, Inc; that a recommendation was made to the Board and the Award was scheduled for Tuesday, May 14, 1996; that in accordance with the Appeal Process, Hydro Tech Inc., (a non-recommended bidder) submitted an appeal of the award recommendation; that a hearing was scheduled and held on April 15, 1996; that Hydro Tech, Inc., stated that the equipment operated by Whitco did not meet minimum specifications, and based on information submitted on the bid documents, the following findings were made:

1. That Whitco's equipment is indeed different from what was specified in the bid document. Since Whitco Inc., has been doing some specified work for the County to the satisfaction of the Utilities Division (according to Jess Coffman) their equipment must be capable of performing to some degree. However, it does not appear that Whitco Inc.'s equipment meets the letter of the specifications in Washoe County Bid #1919-96.
2. As for the taking exception to the Statement of Qualifications because Whitco Inc., is "...currently providing this service for Washoe County." This is a true statement up to 12" lines. However, Washoe County has an indeterminate amount of larger lines: 18"; 24"; and 30". Possibly some as large as 36". The Utility Division estimates that ninety-eight percent (98%) of all Washoe County sewer lines are under 12" diameter. However, new developments have installed at least 12,000 ft., of 30" diameter pipe, and the fact is that Washoe County just doesn't know for sure just how much of what is out there.

Therefore the recommendation is to reject all bids and to rebid this service with modified specifications.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that all bids received for Bid No. 1919-96 for Sewer Line Cleaning for the Utility Division of the Public Works Department, be rejected; and that the Purchasing Department on behalf of the Public Works Department be directed to "re-bid" for this service with modified specifications.

96-441 REQUEST FOR PROPOSAL NO. RFP #1924-96 - PUBLIC OPINION SURVEYS - PLANNING

This was the time to consider Request for Proposal, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on April 1, 1996, for Public Opinion Surveys for the Comprehensive Planning Department. Proof was made that due and legal Notice to Bidders had been given.

Proposals, copies of which were placed on file with the Clerk, were received from the following respondents:

Marketec, Inc.
Board of Regents - UNR

Cannon Center for Survey Research
InfoSearch
J.D. Franz Research
Pacific West Communications Group
Sierra Market Research

Anderson Consulting, Center for Applied Research - UNR, Ernst & Young, Karen L. Hruby, J. Lauren Enterprises and Moore Information failed to respond to the Invitation to Bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Request for Proposal, RFP # 1924-96 for Public Opinion Surveys for the Department of Comprehensive Planning, be awarded to Marketec, Inc. in the total amount of \$25,500.00.

96-442 AWARD OF BID - NORTH VALLEYS REGIONAL SPORTS COMPLEX - PHASE I - PUBLIC WORKS

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 April 17 and 24, 1996 for construction of the North Valleys Regional Sports Complex for the Public Works Department. Proof was made that due and legal Notice had been given.

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

CONTRACTOR	BASE BID PLUS 1 & 3
Q & D Construction, Inc.	\$1,056,839.88
F. Evans Construction	1,065,327.00
T. L. Miller Construction	1,081,838.00
Isbell Construction	1,197,182.00

County Manager, John MacIntyre, advised that a protest had been received from Frank Evans Construction, Inc., protesting the recommended bid award to the low, responsible bidder, Q & D Construction for Alternate Bids 1 and 3 in the amount of \$1,056,839.88. Mr. MacIntyre reviewed correspondence received from Mr. Evans concerning his protest and correspondence from Don Clark, Cathexis Architecture, Consultant for the project, with his recommendation to award the bid to Q & D Construction for Alternate Bids 1 and 3.

Mr. MacIntyre explained that in this case, Frank Evans is an apparent low bidder for the base bid and all three alternates who admittedly made a mistake on bid item No. 2 and was asked whether or not he would stand by that bid and he indicated that he would; that several concerns have been raised by Parks Department Director Gene Sullivan and the landscape architect Cathexis about awarding the bid knowing that a clear mistake was made on bid alternate No. 2; that the recommendation is to award the bid for base bid and bid alternates 1 and 3 to Q & D Construction; that they were the low bidder on the base bid; that they were the low bidder upon combining alternates 1 and 3; and that Frank Evans is the low bidder only with the base bid plus alternates 1, 2 & 3.

Gene Sullivan, Director, Parks & Recreation Department, stated that a call was made after the bid was opened; that the second bidder, Mr. Evans could say that he was still in the ball park; that this project is a great asset being provided for the North Valleys; and that in consultation with Mr. Clark, he is recommending that the bid be awarded to Q & D Construction.

Commissioner Shaw stated that he has a problem with the elimination of alternate 2 as it changes the bid award tremendously; that when the bids were opened and Evans realized they made a mistake they had the option to say they wanted to walk away from it, or they could have accepted the fact that they made an error and accept the total bid as it is with the error.

Mr. Sullivan stated that he was not at the bid opening; that they picked alternate 1 which was for the ballfields; that they need

additional soccer fields; that they picked alternate 3 because it was a part of the building and easy for either contractor to do, and alternate 2 was a project that the County could most likely handle.

Chairman Bradhurst stated that it was his understanding that the County would still go forward if they stand by this recommendation, purchase the playground equipment and have it installed which would approximate \$45,000 and Mr. Sullivan replied that this would be the case and that is why they put this in as an alternate because they do not have a lot of time and if there were one task that they could accomplish that would have been the one.

Frank Evans, F.E. Evans Construction, Inc., reviewed his correspondence dated May 16, 1996 stating that at the time of the bid opening and during the bid opening process, Fred Vosberg, the County's representative, had asked his representative to give him a call at his office if he would be willing to accept this project even though they were considerably lower on alternate 2; that they did make a mistake and left some money out; that this was a business decision that he made in a very short time frame; that he was asked if he would care to continue on if the County were to award the project on the entire amount including all of the alternates. Mr. Evans explained that he had stated that he was desirous of accepting the bid under these circumstances; and that he still feels that Mr. Vosberg made a good decision by calling him; that it was in the best interest of the County; and that he would do a good job, and that he is qualified and bondable.

John Bradder, representing Q & D Construction, requested clarification on the process utilized when an award would be made or denied under a circumstance where a contractor makes a statement after opening of a bid and admits that an error has been made; that the contractor has a bid bond that protects them from these circumstances; that they are in it to make money; that they would complete the job without cutting any corners; that they bid a fair price; that they did not make mistakes on the bid; and that they request that the Board award the bid to Q & D Construction as it is in the best interest of the public for alternates 1 and 3 inclusive.

Don Clark, Cathexis Architects, discussed his recommendations contained in correspondence dated May 20, 1996 and bid tabulations stating that all four contractors are good contractors; that the only irregularity that exists is on the one item; that in the case of irregularities, the County has the option to award variable options; that what disturbed him was the recommendation to Q & D without alternates 1 & 3; that with every other scenario under the bid, Q & D was the low bidder no matter what combination was utilized; that if Evans bid on Item 2 had been in line with the others, Q & D still would have been low no matter what the variables were; that the County was put in a position where they had to make a judgment call and that was the basis of what he made his decision upon.

Chairman Bradhurst inquired of legal counsel, if the Board had the legal authority in selecting Evans Construction with all three alternates to place a condition requiring that there be no change orders initiated by the contractor. Deputy District Attorney Madelyn Shipman stated that the Board has the legal authority to accept the contract as proposed by Mr. Evans with all three alternates as long as the Board has concluded that all three alternates are appropriate and needed, and that concerns regarding change orders could be addressed in the motion.

In response to Chairman Bradhurst's concern regarding change orders, Mr. Evans stated that there would be no question about a change order concerning this project; and that if changes in the scope of work should occur, he would expect to be compensated.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the bid for construction of the North Valleys Regional Sports Complex on behalf of the Public Works Department, be awarded to F.E. Evans Construction, Inc., for the base bid plus Alternate Bids No. 1 through 3 in the amount of \$1,078,506.00; that Chairman Bradhurst be authorized to execute the contract documents upon receipt; and that any change orders be initiated by the County, or otherwise be denied.

96-443 AWARD OF BID - 1995/96 PAVING OVERLAY OF SELECTED STREETS - INCLINE VILLAGE AREA - ENGINEERING

This was the time set to consider award of bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on April 4 and 11, 1996, for the 1995/96 Paving Overlay of Selected Street in the Incline Village Area,

Washoe County, Nevada, on behalf of the Engineering Division of the Public Works Department. Proof was made that due and legal notice had been given.

Following is a summary of the base bid and Alternates 1 through 3 received:

Canyon Creek	\$ 287,569.60
Granite	326,602.00
Bertagnolli	362,247.25
Sierra Nevada Construction	472,019.00

Upon recommendation of Greg Belancio, Engineering Division, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for the 1995/96 Paving Overlay of Selected Streets in the Incline Village Area, Washoe County, Nevada, (list placed on file with the Clerk), be awarded to the low bidder, Canyon Creek Construction, Inc. for the base bid and Alternate No. 1, 2 and 3 in the estimated amount of \$287,568.70; and that Chairman Bradhurst be authorized to sign the contract when presented.

96-444 CORRECTION OF FACTUAL ERRORS - 1995/96 UNSECURED TAX ROLL - ASSESSOR

Upon recommendation of Tom Sokol, 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 owners, copies of which were placed on file with the Clerk. It was further ordered that the Orders on each roll change directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

G E Capital Corporation	Personal Property ID No. 2/190-212
Ronald or Lydia S. Kirby	Personal Property ID No. 2/960-025
Ronald or Lydia S. Kirby	Personal Property ID No. 2/960-026
Saint Mary's Clinic	Personal Property ID No. 2/618-008

96-445 PARCEL SPLIT - MANKE PROPERTIES, LLC AND LAVON T. MANKE, CO-TRUSTEES OF WILLIAM A. MANKE FAMILY TRUST DATED AUGUST 4, 1982

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 Manke Properties, LLC and William A. & Lavon T. Manke, Co-Trustees of the William A. Manke Family Trust dated August 4, 1982 request to split Parcel No. 037-062-04 and 037-030-10 for the FY1995/96 tax year be granted; that the following order be approved; and that Chairman Bradhurst be authorized to execute on behalf of Washoe County:

AMENDED ORDER -- Directing the County Treasurer to Apportion Property Tax

WHEREAS, The Board of County Commissioners of Washoe County has the authority to direct the County Treasurer to divide and prorate the assessment and tax as same appears on the property tax roles.

WHEREAS, Manke Properties, LLC and William A. & Lavon T. Manke, Co-Trustees of the William A. Manke Family Trust dated 8/4/82 have made application to the County Treasurer to divide and prorate the assessment and tax on assessor's parcel numbers 037-062-04 and 037-030-10.

WHEREAS, an offer to tender the prorated tax when due and owing has been made.

WHEREAS, this Board has determined how the assessment and tax should be apportioned between the parcels.

IT IS HEREBY ORDERED THAT:

1. Each officer who has custody of the tax or assessment roll for the year for which the offer to tender has been made and for each subsequent year divide and prorate the assessment and tax as follows:

NAME: MANKE PROPERTIES, LLC	APN: 037-030-20			
Land \$ 639,776.00	Imp. \$1,250,630.00	Per Prop. \$1,715.00	Total \$1,892,121.00	

NAME: WILLIAM A. & LAVON T. MANKE, CO-TRUSTEE'S	APN: 037-030-21			
Land \$ 102,474.00	Imp. \$ 28,048.00	Per Prop. \$ -0-	Total \$ 130,522.00	

NAME: WILLIAM A. & LAVON T. MANKE, CO-TRUSTEE'S	APN: 037-062-05			
Land \$ 175.00	Imp. \$ -0-	Per Prop. \$ -0-	Total \$ 75.00	

NAME: ROBERT L. HELMS CONST. & DEV.	APN: 037-030-22			
Land \$1,807,045.00	Imp. \$ 252,217.00	Per Prop. \$ -0-	Total \$2,059,262.00	

2. The County Treasurer accept the prorated tax when tendered and apply it to the proper parcel.
3. The County Assessor assess each parcel separately thereafter.
4. The Clerk of the Board mail a copy of this order to the owners of each parcel and to the person offering to tender payment.

96-446 PARCEL SPLIT - WARREN I-80 LLC

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 Warren I-80 LLC's request to split Parcel No. 037-030-22 for the FY1995/96 tax year be granted; that the following order be approved and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

AMENDED ORDER -- Directing the County Treasurer to Apportion Property Tax

WHEREAS, the Board of County Commissioners of Washoe County has the authority to direct the County Treasurer to divide and prorate the assessment and tax as same appears on the property tax rolls.

WHEREAS, WARREN I-80 LLC has made application to the County Treasurer to divide and prorate the assessment and tax on assessor's parcel numbers 037-030-22.

WHEREAS, an offer to tender the prorated tax when due and owing has been made.

WHEREAS, this Board has determined how the assessment and tax should be apportioned between the parcels.

IT IS HEREBY ORDERED THAT:

1. Each officer who has custody of the tax or assessment roll for the year for which the offer to tender has been made and for each subsequent year divide and prorate the assessment and tax as follows:

NAME: WARREN I-80 LLC	APN: 037-030-23			
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Land \$ 257,850.00

Imp. \$252,217.00

Total \$510,067.00

NAME: ROBERT L. HELMS CONST. & DEV.

APN: 037-030-24

Land \$ 80,318.00

Imp. \$ 9,728.00

Per Prop. \$ -0-

Total \$ 90,046.00

2. The County Treasurer accept the prorated tax when tendered and apply it to the proper parcel.

3. The County Assessor assess each parcel separately thereafter.

4. The Clerk of the Board mail a copy of this order to the owner of each parcel and to the person offering to tender payment.

96-447 GRANT OF BLANKET EASEMENT & AGREEMENT - UTILITY FACILITIES - SIERRA PACIFIC POWER COMPANY - NORTH VALLEYS REGIONAL SPORTS COMPLEX - PARKS

Upon recommendation of Gene Sullivan, Director, Parks & Recreation Department, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Grant of Blanket Easement for Utility Facilities to construct and alter utility service to North Valleys Regional Sports Complex, and a Utility Facility Agreement between Washoe County and Sierra Pacific Power Company defining the fees to be assessed for the requested service provided by Sierra Pacific Power Company, be approved and Chairman Bradhurst be authorized to execute.

96-448 RENEWAL OF AGREEMENT - PATHOLOGY SERVICES CONTRACT - FISCAL YEAR 1996-97 - CORONER

Upon recommendation of Vernon McCarty, Washoe County Coroner, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Agreement between Washoe County and Sierra Pathology Associates concerning autopsy and histopathology services for fiscal year 1996-97, be approved and Chairman Bradhurst be authorized to execute.

96-449 AMENDMENT TO AGREEMENT - REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY (REMSA) - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an amendment to an Agreement between Washoe County and The Regional Emergency Medical Services Authority (REMSA) increasing the contract amount by \$95,000.00 from a maximum of \$220,000 to a maximum of \$315,000.00 concerning medical aid to the indigent population of Washoe County for the period July 1, 1995 through June 30, 1996, be approved and Chairman Bradhurst be authorized to execute.

96-450 WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - NORTH VALLEY PARK - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Sale Agreement for 21.91 acre-feet being a portion of Claim 128/129 between Sierra Pacific Power Company and Washoe County for North Valley Park, be approved; that Chairman Bradhurst be authorized to execute the Water Sale Agreement; and that the Chief Sanitary Engineer be directed to record the Water Sale Agreement with the County Recorder.

It was noted that the Water Sale Agreement makes the water rights available to Sierra Pacific Power Company so they may provide water service to the North Valley Park.

96-451 WATER RIGHTS GRANT, BARGAIN & SALE DEED - PAVICH AND ASSOCIATES, INC.

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by

Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Water Rights Grant, Bargain and Sale Deed between Washoe County and Pavich and Associates, Inc., a Nevada Corporation for 10.69 acre-feet of water rights being a portion of Claim 111, 33.525 acre-feet of water rights being a portion of Claim 113, 5.495 acre-feet being a portion of Claim 114, and 35.62 acre-feet of water rights being a portion of Claim 194 for a total 85.33 acre-feet between Pavich and Associates, Inc., a Nevada corporation, as "Grantor" and Washoe County as "Grantee" be approved; that Chairman Bradhurst be authorized to execute the Water Rights Grant, Bargain and Sale Deed; and that the Chief Sanitary Engineer be directed to record the Water Rights Grant, Bargain and Sale Deed with the County Recorder.

It was noted that the water rights are being dedicated in support of future development.

96-452 WATER RIGHTS DEED - FRANK LEPORI/ALAN OPPIO

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 3.93 acre-feet being a portion of Claim 337/338 between Frank Lepori as "Grantor" and Washoe County as "Grantee", and Water Rights Deed for 3.85 acre-feet being a portion of Claim 349 between Washoe County as "Grantor" and Alan Oppio as "Grantee" be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deeds; and that the Chief Sanitary Engineer be directed to record the Water Rights Deeds with the County Recorder.

It was noted that Frank Lepori's offer of dedication is in support of Discoveries Preschool, Inc.; that Washoe County is reconveying to Mr. Oppio water rights previously dedicated to Washoe County pursuant to Document No. 1591584; and that the excess dedication by Frank Lepori will be held for future use by Mr. Lepori.

96-453 WATER RIGHTS DEED - NEWTON INVESTMENTS, LTD.

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 35.0 acre-feet of water rights being a portion of Claim 268 between Newton Investments, Ltd., as "Grantor" and Washoe County as "Grantee" be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that these rights are being dedicated on behalf of Hawco Investment and Development, Inc., to partially satisfy the Orr Ditch surface water requirements for Spanish Springs Village North Subdivision.

96-454 WATER RIGHTS DEED - ROBERT AND BARBARA NIELSEN THOMAS AND PAMELA GRIFFEN - SPANISH SPRINGS VALLEY DEVELOPMENT

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 4.56 acre-feet of water rights being a portion of Claim 337/338 between Robert F. and Barbara P. Nielsen and Thomas R. and Pamela Griffin as "Grantors" and Washoe County as "Grantee", be approved; that Chairman Bradhurst be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated in support of future development within Spanish Springs Valley.

96-455 WATER RIGHTS DEED - PAVICH AND ASSOCIATES, INC. - UNIVERSITY OF NEVADA ANNEX FACILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 1.12 acre-feet of water rights from a portion of 12966, Certificate 3836, as changed by Permit 60546, between Pavich and Associates, Inc., a Nevada corporation, as "Grantor" and Washoe County as "Grantee", be approved; that Chairman Bradhurst be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that these water rights are being dedicated in support of water service to the new University of Nevada Annex facility in the South Truckee Meadows area.

96-456 WATER RIGHTS DEED & WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - L. LAMANTIA'S MAE ANNE RESIDENCE

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed between Sierra Pacific Power Company and Washoe County for 1.11 acre-feet being a portion of Claim 576 and Water Sale Agreement between Sierra Pacific Power Company and Washoe County, be approved; that Chairman Bradhurst be authorized to execute; that the Chief Sanitary Engineer be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

It was noted that the water rights are being dedicated in support of L. Lamantia's Mae Anne Avenue residence, APN 039-112-08

96-457 WATER RIGHTS DEED & WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - S. VOGEL'S YUMA LANE RESIDENCE

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed between Sierra Pacific Power Company and Washoe County for .92 acre-feet being a portion of Claim 576 and Water Sale Agreement between Sierra Pacific Power Company and Washoe County, be approved; that Chairman Bradhurst be authorized to execute; and that the Chief Sanitary Engineer be authorized to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

It was noted that the water rights are being dedicated in support of S. Vogel's Yuma Lane residence, APN 018-093-22.

96-458 WATER RIGHTS DEED AND WATER SALE AGREEMENT - SUN VALLEY WATER AND SANITATION DISTRICT - STONE CANYON SUBDIVISION, PHASES 4, 5 AND PORTION OF 6

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed for 67.17 acre-feet of water rights from a portion of Permit 61223 between Sun Valley Water and Sanitation District as "Grantor" and Washoe County as "Grantee" and Water Sale Agreement between Sun Valley Water and Sanitation District and Washoe County, be approved; that Chairman Bradhurst be authorized to execute; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

It was noted that the water rights are being dedicated in support of 197 lots within the Stone Canyon Subdivision, Phases 4, 5 and a portion of 6; and that Washoe County in turn, is making these rights available to Sun Valley Water and Sanitation District so they may supply water to the subdivision.

96-459 FORENSIC SUPPORT SERVICE AGREEMENTS - VARIOUS AGENCIES - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Forensic Support Service Agreements between the Washoe County Sheriff's Office and the Sheriff's Office in the Counties of Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, White Pine and the Police Departments for Elko, Fallon, Lovelock, Sparks, West Wendover, Winnemucca and Yerington, (list placed on file with the Clerk), be approved and Chairman Bradhurst be authorized to execute.

It was noted that these services do not include the State's contract with the Laboratory for the breath alcohol program which is a separate contract at \$171,000 per year; and that the total Forensic Services Fee for FY 1996/97 for all twenty-three outside agencies is \$325,551.00 which will be sent to the County's General Fund.

96-460 AMENDMENT TO AGREEMENT - CORRECTIONAL MEDICAL SERVICES, INC. (CMS) - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Modification of Agreement between Washoe County and Correctional Medical Services, Inc., (CMS), concerning provision for inmate medical, dental and mental health care at the Washoe County Detention Facility, be approved effective July 1, 1996; that Chairman Bradhurst and Sheriff Kirkland be authorized to execute; and that the Finance Division be directed to report back to the Commission within four months on measures being taken to control inmate medical costs.

96-461 AGREEMENT - FINANCIAL CONSULTING SOLUTIONS GROUP, INC. - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County and Financial Consulting Solutions Group, Inc., concerning a Water Cost of Service Rate Study in an amount not-to-exceed \$79,210 be approved; that Chairman Bradhurst be authorized to execute; and that Commissioners Bond and Mouliot be selected to serve on the Rate Study Task Force.

It was noted that funding will be prorated between STMGID and Washoe County in accordance with the customer bases served and provides that the Washoe County Utility Division is responsible for 73% of the study cost or \$57,825; and that STMGID is responsible for 27% of the study.

96-462 SPECIAL USE PERMIT CASE NO. SPW2-9-96 - ALTURAS POWER LINE - ADOPTION OF CONDITIONS - DEVELOPMENT REVIEW

Ron Kilgore, Department of Development Review, presented conditions that he advised represented the conditions discussed at yesterday's caucus along with the modifications requested by the Commissioners at that time. Upon inquiry of Commissioner Sims, Mr. Kilgore advised that the County's action relative to this issue does stand independent of any actions taken by the Forest Service. A discussion ensued regarding tower height issues and Mr. Kilgore advised that, while lowering the lines would reduce the visual impact from a distance, it may increase the impact to residences close to the towers; that concern about the height issue came from the Rancho San Rafael Park people; and that Condition 10 could be modified to provide additional flexibility relative to height. Mike Harper, Director, Department of Development Review, provided additional comments and stated that Condition 10 could also be modified to expand beyond the Rancho San Rafael Park area.

Commissioner Bond advised that she requested Sierra Pacific to provide a computer model showing the lower lines and shorter towers, which depicted a much wider corridor and double poling; and that she feels this would create more of a visual impact than the tall poles.

Chairman Bradhurst asked if anyone was present wishing to provide comments relative to the conditions.

John Owens, Project Manager for the Alturas Intertie Project, advised that they have reviewed the conditions and take exception only with Condition 10 regarding tower heights. He presented and reviewed simulations showing height options, which were not placed on file with the Clerk, and stated that they are requesting that Condition 10 be removed because they feel additional shorter towers only increase visual impact as opposed to attaining the goal everyone is working toward, which is to minimize the visual impact. He then advised that the line falls under the jurisdiction of the National Electric Safety Code, and Sierra is required to maintain a minimum line to ground clearance of approximately 30 feet. Mr. Owens then presented a map for the Board's review to further clarify the options, which was not placed on file with the Clerk, and responded to questions. He then stated that, at the direction of his Chief Executive Officer, Sierra supports appropriate conditions of approval and mitigation measures for the project; that the project, as approved, has no significant impact to cultural or archeological resources in Washoe County, no impact to sensitive biological species in Washoe County, and no impact on water quality; that the only impact of the project is a visual impact on a person's recreational experience in the vicinity of the line, which impact can be offset through creation of recreational opportunities for the community that are currently planned but have not been completed due to a lack of funding; and that, therefore, he has been authorized to voluntarily commit the company to a one-time donation of \$400,000 to be used for the improvement of a trail system on Peavine Mountain and/or any other recreational facilities that the County deems appropriate. He further stated that this donation would be made within 7 days of the start of construction of the Alturas Intertie Project in Washoe County; and that Sierra feels this is an appropriate way to mitigate the impact of concern by proactively supporting

positive improvements to the community's recreational facilities.

Commissioner Bond stated that any statement made by her should not be misconstrued as being in support of the project; that, however, if the project moves forward, she thinks Sierra's offer is the very least they could do, and would also like to see an additional \$100,000 designated in an interest-bearing account to be utilized in the future for any maintenance required for the upkeep of the recreational improvements.

Mr. Owens stated that, on behalf of Sierra Pacific, he would support the one time endowment of \$100,000 for the maintenance of these improvements.

Commissioner Bradhurst then advised that the Board received a petition for reconsideration of its vote to approve Special Use Permit Case No. SPW2-9-96 (Alturas Intertie Project), which action was taken on April 30, 1996; and that it was also requested that this matter be placed on today's agenda as an emergency item. He stated that Legal Counsel Shipman indicated at caucus yesterday that this would not be considered an emergency item for today's meeting; and that it could be placed on the agenda as a discussion item at a future meeting, possibly the first meeting in June, to determine if there is a desire on the part of anyone who voted in the affirmative for the special use permit to have this reconsidered.

Commissioner Sims commented that, obviously every time the Board makes a decision someone is not happy, and he would be concerned about setting a precedence where anybody could request a reconsideration, which would result in countless items being brought back to the Board; that he feels that a Commissioner in the affirmative would agree to place a reconsideration on the agenda, but the County does not currently have a policy on how to handle these situations; and that he believes the Board should discuss the policy issue before putting an item of reconsideration on the agenda.

Commissioner Shaw stated that he feels if the Board receives a request like the one presented, perhaps it should be put on the agenda, and noted that there have been reconsideration's for kennel permits, etc. Commissioner Bradhurst commented that most requests for reconsideration have come from individuals and this is a much larger issue.

John MacIntyre, County Manager, stated that a policy discussion in June would be beneficial because there is no formal policy on how these issues would come forward.

A discussion ensued and the Board determined that consideration for the establishment of a policy relative to reconsideration requests would be placed on the agenda for the June 11, 1996 meeting; and that a decision regarding the request for reconsideration of Special Use Permit Case No. SPW2-2-96 would be addressed after the Board determines its policy on reconsideration.

Tom Gallagher, Summit Engineering, requested clarification and Chairman Bradhurst advised that the Board's decision of April 30, 1996 relative to the special use permit has been made, but the Board needs to address the reconsideration issue. Mr. Harper commented that if the Board takes action on the conditions today and Sierra were to request a permit tomorrow, the permit would be issued. He suggested that the power company's offer of a \$400,000 donation and a \$100,000 maintenance contribution be acknowledged as part of the conditions, but would not be related to the approval of the project.

Hal Geyer, area resident, commented that the statement made that the project would not affect groundwater quality was erroneous and Sierra Pacific apparently has no knowledge of the conditions of mountain block recharge, which is the primary recharge for both Lemmon Valley and Cold Springs Valley; and that in his opinion, since the project does not comply with area planning documents, the Development Code, and the Area Plan, etc., the conditions before the Board today are the equivalent of "requiring an ax murderer to use a sharp ax when he does his crime."

Mr. Kilgore responded to questions of the Board relative to the conditions and Commissioner Sims advised that he would want the Friends of Peavine group to have the ability to provide input relative to tower height.

On motion by Commissioner Shaw, seconded by Commissioner Sims, which motion duly carried, with Chairman Bradhurst and Commissioner

Bond voting "no," it was ordered that the following conditions, as amended, for Special Use Permit Case No. SPW2-9-96 be adopted:

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF DEVELOPMENT REVIEW.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. Building plans for the towers shall demonstrate that the tower locations and their spacing are generally along the route approved by the Washoe County Board of County Commissioners. The Engineering Division shall be responsible for determining compliance with this condition.
2. A copy of the Clerks Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
3. A separate grading permit shall be obtained for all new access roads for the construction of roads to serve the construction and maintenance of towers and power lines.
4. Financial assurances to the satisfaction of the Engineering Division shall be provided to Washoe County for the reclamation of temporary construction roads and for the restoration of existing roads used for construction purposes and for the maintenance of service roads.
5. Tower and power line maintenance roads shall be gated to prevent uncontrolled access to adjacent properties, unless the maintenance roads are part of a controlled access plan.
6. Any blasting for tower and road construction shall require 24 hour advance notice to the County Engineer and occupants of structures within 1000 feet of the area contemplated for blasting.
7. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

8. Prior to ground-disturbing activity, the developer shall submit a Construction Traffic Haul Route Plan to the County Engineer for review and approval. When existing roadways are to be used as construction haul routes, the Engineering Division requires a geotechnical exploration and analysis to determine load supporting capabilities and, in accordance with the geotechnical report, may require reconstruction sufficient to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible

Pavements.

9. The applicant shall certify that the excavations for and placement of individual towers shall not affect the flow of existing springs and surface water sources. The County Engineer, in consultation with the State Engineer, shall determine compliance with this condition.
10. Segments of the line which cross, or are viewable from Rancho San Rafael or lands planned for future inclusion into Rancho San Rafael, shall be constructed so as to lower the lines to the maximum extent feasible. The Department of Development Review, in consultation with interested parties, shall determine compliance with this condition.
11. The Washoe County Board of County Commissioners acknowledges and accepts the offer of Sierra Pacific Power Company's or its successor's, contribution of four hundred thousand dollars (\$400,000) for improvements to and construction of recreational facilities in the area where the Powerline will be located. In addition, the Washoe County Board of County Commissioners acknowledges and accepts the offer of Sierra Pacific Power Company's or its successor's contribution of one hundred thousand dollars (\$100,000) to be placed in an interest bearing account in the name of Washoe County for the maintenance of the facilities to be improved and/or constructed with the proceeds of the \$400,000 noted within this condition. Finally, the Washoe County Board of County Commissioners acknowledges the offer of Sierra Pacific Power Company or its successor, to make this contribution no later than seven days after the commencement of construction of the project in Washoe County.

96-463 RIGHT-OF-WAY - RODEO CREEK ROAD - BUREAU OF LAND MANAGEMENT - ROADS

James Mayes, Acting Roads Superintendent, responded to questions of the Board and stated that, in addition to acquisition of the right-of-way, there are several additional steps, as outlined in the agenda memorandum, that require Board action before any paving improvements can be made; that these issues would be addressed in conjunction with obtaining the right-of-way; and that staff would make sure that all the issues would be satisfactory to the Board before the grant is accepted.

Upon recommendation of James Mayes, Acting Roads Superintendent, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the Road Division be authorized to apply for a 100-foot-wide right-of-way from the Bureau of Land Management for Rodeo Creek Road from State Route 447 to Empire Farms, and from the "Y" to Integrated Ingredients and Ormat Power Plant.

96-464 EXPENDITURE OF FUNDS - 1.5% WATER MANAGEMENT FEE FOR ASSISTANCE IN DEVELOPING THE REGIONAL WATER PLAN

Steve Walker, Water Management Planner, reviewed background information regarding this item. The Board requested that review and action on each recommendation contained in the staff report be done separately.

Mr. Walker advised that a resume and proposal has been received from Richard Atwater and is contained in the agenda material, which proposal has been recommended for approval by the Water Planning Commission; and that the Water Planning Commission and staff feel that Mr. Atwater's resume and ability to enhance the conservation plan of the water plan appears to be very good.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a professional service contract with Richard Atwater in a not-to-exceed amount of \$15,000 to develop an analysis of water conservation programs applicable to Southern Washoe County be approved.

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Mr. Walker provided a copy of the proposed amendment, placed on file with the Clerk, to the existing contract with John Carollo Engineers to provide an integrated financial analysis service identifying the most cost-effective planning scenario for wastewater, water and storm water facilities. He discussed the need for the additional services and what the services would include, and reviewed Carolla's progress to date.

Mr. Walker then reviewed a letter from Janet Carson of Sierra Pacific Power Company, which was placed on file with the Clerk, regarding the benefits of providing additional funding for Carollo Engineers to assist in the development of the integrated water and wastewater regional plan. Mr. Walker then responded to questions of the Board.

Jamel Demir, Carollo Engineers, conducted a viewfoil presentation depicting the scope of services for the financial analysis, which would include the identification and assessment of water utility linkages among potential alternatives (structural and nonstructural), development of a simplified approach to the determination of fees and utility rates with the concept of selecting the least cost scenario, and development of a financial model to integrate the three water resource utilities for the purpose of a combined rate assessment, etc. He then discussed the overall wastewater planning approach and presented a flow sheet depicting where they currently are in the plan process and what they intend to accomplish.

Upon inquiry of Chairman Bradhurst, Mr. Walker advised that staff had not planned to look at the Honey Lake Project in the analysis of water sources for the North Valleys. Chairman Bradhurst commented that he feels the information that has been provided relative to the Honey Lake Project should be looked at and, while he does not feel the Board is enamored with it, the fact is that the County spent \$6 million on the project and he does not think the County can turn its back on it in the analysis.

Following further discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the amendment to the existing contract to John Carollo Engineers to provide an integrated financial analysis service for the Water Planning Commission identifying the most cost-effective planning scenario for wastewater, water and storm water facilities not to exceed \$70,000 be approved.

Commissioner Mouliot commented that he would not want see many more amendments come forth before something has been generated.

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Mr. Walker advised that one of the long term water issues has been water supply for the South Truckee Meadows and the Regional Water Planning Commission has recommended, in concept, that a cost of water supply facility analysis be conducted. He further advised that a scope of work has been received for this analysis from Carollo Engineers, but it has not been accepted by the Water Planning Commission; and that staff is meeting with Carollo tomorrow prior to the Water Planning Commission meeting to see if the scope of work can be developed. Mr. Walker then responded to questions of the Board and suggested that it may be better to delay this item until an approved scope of work can be presented.

Following further discussion, the Board directed that this item be continued until the scope of work is developed.

96-465 REPORT - REGIONAL WATER PLANNING COMMISSION ACTIVITIES - COMPREHENSIVE PLANNING

Steve Walker, Water Management Planner, reviewed the update report on activities of the Regional Water Planning Commission, as outlined in the agenda memorandum.

Upon recommendation of Steve Walker, Water Management Planner, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the update report on activities of the Regional Water Planning Commission be accepted.

COMMISSIONERS MANAGER COMMENTS

John MacIntyre, County Manager, advised that over the next several meetings the Board will be presented with a series of discussions information regarding the various Social Services items relating to Child Protection Services in terms of the Consultant Study and the Agency and Citizens Task Forces.

COMMUNICATIONS AND REPORTS

The following Communications and Reports were received, duly noted, and placed on file with the Clerk:

Communications

96-466 A. From the Bureau of Land Management Eagle Lake Resource Area in Susanville, California, Notice of Proposed Decision on the Cal-Neva/ Winnemucca Fence or fence, which is located in the common boundary between the BLM Eagle Lake Resource Area's (formerly Susanville District) Twin Peaks Allotment sent to John Espil Sheep Company, Inc., with a copy to the Board as an interested party.

B. From NDOT, original copy of documents containing Special Provisions, Proposal, Contract and Bond on the following projects:

On SR 655 from I-80 at the Patrick Interchange to the Truckee River Bridge and;

On SR 655 Truckee River Bridge, Washoe and Storey Counties, Granite Construction Company, Contractor.

Galena Maintenance Station, Washoe County, Bison Construction, Contractor.

On SR 28 from U.S. 50 at Spooner Junction to Lakeshore Boulevard, and;

on SR 28 from milepost SR 28-WA-3.187 to Lakeshore Boulevard, Douglas, Carson City, and Washoe Counties, Granite Construction Company, Contractor.

96-467 Reports - Monthly

A. Animal Control

B. County Clerk

C. Court Clerk

D. Social Services

96-468 Quarterly Reports - Jan., Feb., Mar., 1996

A. Constable, Reno

B. Justice Court, Verdi

C. Justice Court, Gerlach

D. County Clerk/Court Clerk

E. South Truckee Meadows

F. Washoe County

G. Gerlach GID

H. Grand View Terrace GID

96-469 Tentative Budget 1996/97 City of Sparks and City of Sparks Redevelopment Agency

96-470 Tentative Budget 1996/97 Sun Valley Water and Sanitation District

96-471 Tentative Budget 1996/97 Carson-Truckee Water Conservancy District

96-472 Tentative Budget 1996/97 Grandview Terrace Water District

96-473 Tentative Budget 1996/97 Washoe County School District

96-474 Tentative Budget 1996/97 Truckee Meadows Fire Protection District

96-475 Tentative Budget 1996/97 Palomino Valley General Improvement District

96-476 Tentative Budget 1996/97 Verdi Television District

96-477 Tentative Budget 1996/97 North Lake Tahoe Fire Protection District

96-478 Tentative Budget 1996/97 Reno-Sparks Convention & Visitors Authority

96-479 Tentative Budget 1996/97 Regional Transportation Commission

96-480 Tentative Budget 1996/97 Incline Village General Improvement District

96-481 Tentative Budget 1996/97 Gerlach General Improvement District

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There being no further business to come before the Board, the meeting adjourned at 2:45 p.m.

STEPHEN T. BRADHURST, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk