

BOARD OF COUNTY COMMISSIONERS, WASHOE
COUNTY, NEVADA

TUESDAY 9:30 A.M.
JANUARY 6, 1997

Present :	GRANT SIMS	COMMISSIONER, VICE CHAIRMAN
	JOANNE BOND	COMMISSIONER
	JIM GALLOWAY	COMMISSIONER ELECT
	JIM SHAW	COMMISSIONER ELECT
	JOHN MacINTYRE	WASHOE COUNTY MANAGER
	MADELYN SHIPMAN	ASSISTANT DISTRICT ATTORNEY
	JUDI BAILEY	COUNTY CLERK
Absent :	MIKE MOULIOT	COMMISSIONER

The Board of County Commissioners met in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the Flag of our Country, the Clerk called the roll and the Board conducted the following business.

AGENDA

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Sims ordered that the Agenda for the Board of County Commissioners meeting of January 6, 1997, be approved with the addition of the following emergency items: Item 15A, Adoption of Resolution confirming the Proclamation executed by County Manager John MacIntyre on January 1, 1997, proclaiming the existence of a Local State of Emergency; Item 15B, Retention of outside firm consultant for processing FEMA Claims; and 15C, Handling of Mandated Employee Leave Compensation during the 1997 New Years Flood.

97-1 OATHS OF OFFICE ADMINISTERED

Judi Bailey, County Clerk, administered the oath of office to Commissioners-elect Jim Shaw and Jim Galloway.

Mrs. Bailey then administered the oath of office to the following newly elected general improvement district officials:

Gerlach General Improvement District

Dan Burgoyne	Bud Conley	Gary Minto	Don Wardle	Victoria Williams
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Grand View Terrace Water Board

Mae Carthen	Thurman Carthen	Roy Moore	Shelley Moore	Helen Westbrook
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Incline Village General Improvement District

Syd Brosten Tim G. Callicrate Joseph V. Marson

Palomino Valley General Improvement District

Mary Anne Carney John G. Claypool Robert Hannam George W. Newell

South Truckee Meadows General Improvement District

F. Dwight Blevins Arthur J. Johnson Jerry Schumacher William P. Vance

Sun Valley Water and Sanitation District

Jim Ainsworth C. "Doc" Lancaster Mike Tourin

97-2 ELECTION - BOARD CHAIRMAN

Commissioner Shaw nominated Commissioner Sims for Chairman of the Board. Commissioner Bond seconded the nomination and Commissioner Sims was duly elected to serve as Chairman.

97-3 ELECTION - BOARD VICE CHAIRMAN

Commissioner Shaw nominated Commissioner Bond for Vice Chairman of the Board. Commissioner Galloway seconded the nomination and Commissioner Bond was duly elected to serve as Vice Chairman.

Chairman Sims assumed the gavel and presided over the meeting with the Board as follows:

GRANT SIMS	COMMISSIONER	CHAIRMAN
JOANNE BOND	COMMISSIONER	VICE CHAIRMAN
JIM GALLOWAY	COMMISSIONER	
JIM SHAW	COMMISSIONER	
MIKE MOULIOT	COMMISSIONER	[absent]

PUBLIC COMMENTS

There was no response to Chairman Sims' call for public comment.

97-4 PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT - APPOINTMENT

Commissioner Bond advised that at this time there are two applications which have been received; that the Palomino Valley General Improvement District Board of Trustees has had a considerable amount of conflict among its members; that they were not aware that the Board of County Commissioners were to appoint through the nomination process; that she would like to request the Trustees to come up with names of people who would be acceptable in a positive manner as a member to the Board; that she does not wish to leave an impression that the two applicants were not acceptable; and that she would request that this item be continued until the next meeting.

In response to Chairman Sims query, Legal Counsel Shipman advised that NRS or the WCC does not establish a time frame during which a vacancy is to be filled; that it is her understanding that the person who vacated the Board now wants to be appointed as he withdrew his name from the election due to a question involving whether or not he was a resident in the district which residency has now been established; and that she sees no problem in delaying this.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the appointment of a Trustee to the Palomino Valley General Improvement District be continued to the 14th of January, 1997.

97-5 COMMISSION MEMBER BOARD AND COMMITTEE ASSIGNMENTS

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, the following assignments of Board members were approved:

- Joanne Bond
 - District Board of Health (term to 12/31/98)
 - Nevada Association of Counties (Board of Directors)
 - Regional Governing Board (term to 6/30/99)
 - Senior Citizens Board (term to 12/31/98)
- Jim Galloway
 - Tahoe Regional Planning Agency
 - Nevada TRPA
 - Regional Governing Board (term of office to 6/30/98)
- Mike Mouliot
 - Criminal Justice Advisory Committee
 - Investment Committee (term to 12/31/98)
 - Park Commission (Liaison)
 - Regional Governing Board (Alternate)
 - Reno-Sparks Convention & Visitors Authority (term to 12/31/98)
- Jim Shaw
 - Regional Transportation Commission (term to 12/31/98)
 - Reno -Sparks Convention & Visitors Authority (term to 12/31/98)
- Grant Sims
 - Criminal Justice Advisory Committee (Alternate)
 - Debt Management Commission (term to 12/31/98)
 - Merit Award Board (term to 12/31/98)
 - Regional Governing Board (term to 6/30/97)
 - Regional Transportation Commission (term to 12/31/98)
 - Investment Committee

97-6 RULES AND PROCEDURES

Commissioner Galloway pointed out that there is a cost in following ex Parte communication in that a certain amount of information may be lost in a sense that it may only be provided at a hearing and that any communication with citizenry is difficult to limit although he does realize that all Commissioners should be informed of any pertinent conversation regarding a hearing by any other Commissioner. He added that he does recognize the importance of getting things on the record and that he will defer to the experience of the Commissioners.

Chairman Sims stated that this is a very good point and that he would suggest that constituents who may contact their individual commissioner be requested to submit in writing their concerns to all members of the Commission. Commissioner Bond stated that this rule has been working for her, and Commissioner Shaw agreed that it should be kept as is.

Another issue discussed was being limited to four consecutive years on a particular board in the appointments. It was brought forth that Commissioner Shaw would like to continue his appointment on the Regional Transportation Commission and the suggestion was made to make the rule prospective from the date of adoption.

Legal Counsel Madelyn Shipman stated that most rules and regulations, including ordinances passed or enacted by the Board would be prospective in the absence of some specific language saying that they would be retroactive, but if the Board wishes to clarify this, language could be inserted to make that clear.

Commissioner Galloway asked about the requirements of membership on the TRPA and if this always was the responsibility of the District 1 Commission District.

Legal Counsel Madelyn Shipman advised that she has not checked if the Statutes state that sort of requirement.

The County Manager suggested that a provision be added that Board members contact the Manager if they have a task for staff which will encompass in excess of two hours, noting that Sparks and Reno have such or similar provisions. He advised that the reason for this suggestion is to provide direction and coordination through communication. Commissioner Sims stated that he can see the purpose of this. Commissioner Galloway then stated his opinion that this is unnecessary and commented that too many rules may be constricting. Commissioner Shaw suggested that keeping the Manager informed of what is occurring can be accomplished without an additional rule.

Commissioner Bond agreed. Commissioner Sims said that such a rule would be of benefit to a new member in awareness of the importance of Management being apprised of what is going on for coordination purposes.

The County Manager stated that he has no problem with not making that a rule, but noted that there have been times, however, that Board member direction has resulted in significant expenditure of time and perhaps another more efficient means of complying with the request could be followed through his direction.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the 1995/1996 Rules and Procedures be adopted for 1997/1998 with the direction to staff to add the provision at the end of the adopted Rules and Procedures that they are prospective from the date first adopted, and that Legal Counsel research NRS to see if there are any sections addressing the requirement that the Commissioner from District 1 serve on the Tahoe Regional Planning Agency.

97-7 COUNTY COMMISSION MEETING TIMES

Possible suggestions were made concerning changing existing meeting times which are currently three meetings per month, the second, third, and fourth Tuesday of each month, with the first meeting of the month on the second Tuesday being a night meeting. Commissioner Bond addressed the length of that night meeting and suggested perhaps meeting every week. Chairman Sims stated that he believes that there should be a period of time when a break is taken during such a meeting. Commissioner Galloway commented that continuity in ones mind of a certain matter could be broken if a recess were taken in the middle of such a hearing. Commissioner Shaw stated that the City of Sparks meets at 4 o'clock to conduct business of a regular nature and then at 7 o'clock for public hearings. Another suggestion was made for the possibility of two night meetings.

Chairman Sims noted that the issue is that the duration of the night meeting is too long which is partially caused by scheduling all of the public hearings at the night meeting. The possibility was posed that perhaps having public hearings just once a month is not sufficient.

Commissioner Bond stated that some people are at the meeting to appear for their agenda item which is scheduled early on and then it is passed over in favor of another item which is further down on the agenda and may take a considerable length of time, and that this forces them to stay much later than they had anticipated. She suggested that perhaps items could be better agendized to avoid this. Commissioner Shaw suggested that perhaps setting a time certain on some items or placing a time limit on them may shorten the duration of the item. Commissioner Galloway stated that he believes that a time limit could also be detrimental as the Board may finish an item early and then have to wait until a certain time to consider the next item.

Commissioner Bond stated that she believes that a brainstorming session would be appropriate on this so that some of the problems may be alleviated.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the current procedure for scheduling meetings be continued, that staff propose alternative ways to deal with decreasing the length of the night meetings and also to pursue ways and means for making the meetings more efficient for the Board to consider at a workshop.

97-8 CAUCUS MEETINGS - DISCUSSION

Commissioner Galloway stated the possibility of an alternate time to hold caucuses and proposed Friday afternoon as a time. Chairman Sims stated that he had discussed this with Commissioner Galloway, and that after they spoke, he felt a concern that there would not be enough time to reflect on the agenda packets which are received on Wednesday and that he feels that a Friday caucus would not provide that Commissioner Shaw stated that he is comfortable with the present arrangement for caucus but advised that he would like a time limit imposed to be finished by 4:30 or 5:00 p.m. Chairman Sims stated that he does not believe a caucus meeting one hour prior to a scheduled meeting, as is the case when a Monday is a holiday, is in any way meaningful and feels some other arrangements should be made for that. He suggested perhaps a Friday afternoon meeting in that case would serve a better purpose.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that staff be directed to recommend procedure for caucus for all meetings including those times when a meeting follows a Monday holiday and to consider how this will impact staff, and that the Board hold a workshop on that in the near future.

97-9 OUT-OF-COUNTY-SEAT MEETINGS

Commissioner Bond stated that it would be helpful to have a revolving schedule of meetings which will take place other than in Reno to include where we will be and where we have not been, e.g., Verdi, although she does not feel the Board should be buried with out-of-Reno meetings. She added that perhaps it should be set on the basis of priorities or whether or not it should be done at all. Commissioner Shaw stated that he believes it is more convenient for people to come to the Chambers rather than staff having to bring along various pieces of equipment to various places, which may be necessary to conduct the meeting.

County Manager John MacIntyre stated that this was originally done to accommodate the constituency in remote areas, i.e., Incline Village and Gerlach, and advised that if this is carried to places that are closer to Reno, there may be problems in not having enough people in attendance.

Legal Counsel Madelyn Shipman said that the Board should remember that there are certain items of business that must be conducted in the County Seat.

Chairman Sims said that he would like to stay with Incline Village and Gerlach only at this point with the request that the meetings be held at Incline Village other than during the "snow storm" season. He advised that with the advent of SNCAT before us, it will open up the meetings to the view of more constituents in outlying areas in the County and perhaps at that time this can be reviewed. Commissioners Bond and Galloway were asked to schedule with the Manager's office specific times for the meetings in Gerlach and Incline Village in a timely manner so that arrangements can be made for noticing requirements and reserving a place for the meeting.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the status quo of having meetings outside of the County Seat (Reno) be maintained, and when the meetings are broadcast on SNCAT, the present practice of holding meetings in Gerlach and Incline Village be reconsidered.

97-10 RESOLUTION - RATIFICATION OF PROCLAMATION - EXISTENCE OF LOCAL STATE OF EMERGENCY

This was declared an emergency item on today's agenda.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the following Resolution be adopted and executed by himself and other members of the Commission present:

Resolution: Board of County Commissioners ratification of the existence of a local state of emergency.

WHEREAS, Ordinance No. 706 of the County of Washoe empowers the County Board of Commissioners to proclaim the existence of a local state of emergency when said County is affected by a public calamity; and

WHEREAS, Said Board of Commissioners has been requested by the Washoe County Manager of said County to proclaim the existence of a local state of emergency therein; and

WHEREAS, Said Board of Commissioners does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within said County, caused by rainstorms and flooding in the areas of the Truckee River Corridor and tributaries thereto, commencing on or about January 1, 1997.

That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local state of emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, That a local state of emergency now exists throughout said County; and

IT IS FURTHER PROCLAIMED AND ORDERED, That during the existence of said local state of emergency, the powers, functions and duties of the Administrator of Emergency Management and the Emergency Services System of this County shall be those prescribed by State Law, by Ordinances and Resolutions of this County and Washoe County's emergency plans.

IT IS FURTHER PROCLAIMED AND ORDERED, That said local state of emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Commissioners of the County of Washoe, State of Nevada.

IT IS FURTHER ORDERED, That a copy of this declaration is forwarded to the Nevada Director of the Division of Emergency Management.

97-11 PHASE ONE STATUS ASSESSMENT - NEW YEARS DAY FLOOD - PROPOSAL

This item was declared an emergency on today's agenda due to constraints of time involved.

Katy Simon, Assistant County Manager, advised that the City of Sparks had notified them earlier that the some of the business industry in the private sector who were severely damaged by the flood were interested in having assistance in needs assessment and IBM and ISSC offered such industrial support. She advised that the IBM firm subsequently grew as the consultant recovery firm and they listened to their presentation on Saturday, January 4, 1997; that later Ray Sibley, Risk Manager, had been contacted by Adjusters International as a means the County could avail itself of and were very impressive; and that because the County's primary interest was to have help with submittal to the Federal Emergency Management Administration (FEMA) rather than reconstruction, the County accepted a proposal for Phase One Status Assessment of the New Years Day Floods, which involves a fixed fee for services outlined of \$17,600, payable upon completion of Phase I.

Ray Sibley, Risk Manager, advised that this team is already present in the City of Reno and that he will meet with their division

heads and schedule an inspection of the flooded sites; that they will focus on damage and restoration costs; that the County's needs for FEMA assistance is what will be assessed; and that the City of Sparks and the City of Reno will also be meeting with them to do the same thing. He added that the Airport Authority will also use them in putting their insurance claim together. He advised that the report should be ready by Friday following which there will be 30 days to file with FEMA. He stated that an effort will be made, not only to repair and replace what is damaged, but to also devise a plan to keep this from happening again.

Commissioner Shaw noted that a report was prepared by Adjusters International of the Harrisburg flood. Chairman Sims asked about Phase Two and the possibility of Staff doing the assessment was stated. Ms. Simon stated that a lot of time will be put into this by County staff but that in the Harrisburg flood, an evaluation was done by staff and the difference in need amounted to millions of dollars between the report by Harrisburg and the report by staff. She stated that Phase Two is to prepare for audit in one year, and that Phase Three is the audit of what has occurred from start to finish.

Commissioner Bond requested that the Commission she be provided with written form sometime in the future of what will take place and justification thereof.

Chairman Sims pointed out that the only point of action or discussion today is Phase I of the status assessment. Commissioner Galloway asked if under the section of Category of Damage all items will be addressed and he would suggest that staff provide an outline of what staff would need to do if Adjusters International, Inc., is not asked to go forward with this. Mr. Sibley stated that AI will provide the County with a blue print of what would have to be done and stressed the importance of submitting items.

He advised that they will also assist businesses in their paper work for the Federal Emergency Management Administration so that they do this correctly. Ms. Simon stated that they will also be available to individuals in need of aid and that AI will provide a loss/recovery seminar for individuals and businesses as soon as possible. She informed the Board that even though people have flood insurance with different companies, it is all under one fund in Washington and it is very hard to receive funds upon filing a claim. She also advised that there will be accurate paper trails that will relate to this jurisdiction, and that in facilities that are used jointly by the entities, standard unification of analysis will be conducted and coordinated.

In response to inquiry, Ms. Simon advised that if the Board approves this Agreement, there is no mandate that the same firm be retained for Phases Two and Three.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that Adjusters International be retained as an outside consulting firm for Phase One Status Assessment of the New Years Day Floods and that the Agreement for these services be approved and Chairman Sims authorized to execute on behalf of the Board in the amount of \$17,600 for those professional services and out-of-pocket expenses.

97-12 FORCED EMPLOYEE ABSENCE - NEW YEARS FLOOD 1997 - PAYMENT OF SALARY

Howard Reynolds, Assistant County Manager, advised that this is an emergency item in that time cards had to be in today and the mode of salary for forced employee absence has to be determined.

He stated that he is recommending that those employees who were forced to not be at their place of employment either through the building being closed, their not being allowed in their place of employment, or the flooding in and around their homes was such that they were unable to leave, be required to take either sick leave or vacation leave for January 2 and 3, 1997. He advised that the exception is for four hours on January 2 to allow those new employees who have not yet completed their probationary period to comply with the rule that they work the days before and after a holiday, in this case, New Years Day.

He then referred to private companies who could not be open and indicated that he believes most of their employees will not get paid. He stated that it is his contention that employees should only get paid for actual hours worked. He read his memo of February 20, 1990, concerning treatment of employee time for Snow Day, February 16, 1996, which is part of the record, and in which is contained the language from the labor contract and the County Code. He acknowledged that this is a very unpopular position and that there are many management officials who were involved directly with the flooding present today to voice their objection.

Commissioner Bond stated that it might be more confusing to determine who should get paid and also more time-consuming and more costly than paying those employees as if they had been at work. Commissioner Galloway stated that he agrees with Mr. Reynolds as he does not believe the taxpayers should have to be responsible for paying employees as if they had been at work when in fact they were not. Commissioner Shaw stated that he does not believe Mr. Reynolds' recommendation should be followed as it will not be worth the anguish it is going to cause. He also noted that the State of Nevada is paying their employees without charging it against sick leave or vacation.

The following department heads and elected officials appeared to voice their reasons in support of paying those persons who would have been at work had the flooding not occurred: Richard Gammick, District Attorney; Michael Specchio, Public Defender; Judi Bailey, County Clerk; Judge Fidel Salcedo, Justice Court; John Collins, Chief Sanitary Engineer; Sandy Marz, Law Library; Katy Simon, Assistant County Manager; Cathy Krolak, District Court Administrator; and Jean Ely, General Services.

Some of the comments noted were that many of these employees did try to get to their work place and a few were let in to pick up material, so they could do the work at home; some tried to go to work and were asked to leave, that many helped with sandbagging and answering telephones in the Flood Control Center, and in other ways to control the flood; that it is not necessarily true that private industries do not pay their employees in the event of this type of disaster when they are unable to report for work; that many employees will now have to return to work and play catch up as the work stacks up and this may entail working extra hours, mostly without compensation; that many employees worked hard to save buildings and any items; and that Mr. Reynolds' suggestion would result in a damage to morale among employees.

Chairman Sims noted that he had to let his employees go and that they will get paid.

Mr. Reynolds stated that he has a sense that the Board will not go with his recommendation and that, if that is the case, those employees who were scheduled for vacation, sick leave, or any other leave, should not be included in this but only those who were scheduled to be at work and could not make it because of the flood should be included.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sims ordered that those people who were scheduled to work during January 2 and 3, 1997, and could not because of the flood, be paid their regular salary except for those who were previously scheduled to be on leave of any sort.

97-13 RESOLUTION OF COMMENDATION - ASSISTANCE OF EMPLOYEES DURING FLOODING

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

WHEREAS, Prolonged rain and critical weather conditions have created extreme flood conditions throughout Northwestern Nevada; and

WHEREAS, Washoe County employees have responded in a timely and effective manner to protect and serve the public through these threatening times; and

WHEREAS, County employees have also worked diligently to control and minimize property loss; and

WHEREAS, County employees proved their dedication and loyal service to the County by their efforts in protecting and serving the community during this critical period; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County, Nevada, that it does hereby commend and express its appreciation to all employees who have rendered outstanding and dedicated service during the flood of 1997.

* * * * *

11:45 a.m.

The business for the day having been completed, the meeting was adjourned.

GRANT D. SIMS, Chairman
Board of County Commissioners

ATTEST: JUDI BAILEY, County Clerk