

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JULY 8, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

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

03-740 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the agenda for the July 8, 2003 meeting be approved with the following amendments: Delete from Item 6(J) the Roll Change Request for James A. & Terry Mitchell, Parcel No. 018-191-69, in the amount of \$2,930.89; Item No. 11(I) concerning the appointments to the Gerlach-Empire Citizen Advisory Board; from Item No. 13, the appointment to the Washoe County Advisory Board to Manage Wildlife; and Item No. 14 concerning the appeal of four Burning Man Special Use Permits. Commissioner Sferrazza advised he received a request from the organizers of the Burning Man event indicating they no longer wanted Item 14 on the agenda. His understanding is some negotiations are going on relative to that matter.

PUBLIC COMMENTS

Eddie Anderson, local resident, expressed appreciation for the service of Senator Bill Raggio to the people of Northern Nevada.

Al Hesson, County resident, expressed his disapproval of the Board granting themselves a salary increase. He then expressed his displeasure that Commissioner Sferrazza was absent for his public commentary a couple of weeks ago when he pled for salary restraint and was also absent for recent Truckee Meadows Water Authority and Reno Sparks Convention and Visitor's Authority meetings.

Sam Dehne, Reno resident, expressed his disapproval about the computers being used by some of the Commissioners at the dais, which he said is disruptive to the citizens.

Gilbert Cortez, County resident, discussed the problems he has had in trying to relocate his mobile home. He said many difficult requirements are imposed by the State and the County in order to move a mobile home. He noted it takes three to four hours to move from a stick house to a stick house, but three to four weeks to relocate a mobile home. Commissioner Weber requested that staff look into the problem brought forth by Mr. Cortez.

Sam Dehne, Reno citizen, commented at this time on Item 14 concerning the Burning Man issue because it was pulled from the agenda. He said Northern Nevada is trying to lure operations that bring money to the community, and it would seem logical to approve the Burning Man request, especially compared to something like Street Vibrations that holds Reno hostage for a week with not one voice against it.

Chairman Humke entered written remarks submitted by Wes Steessi, Reno resident, in opposition to the Burning Man event.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Shaw stated he did not think it appropriate for people speaking under Public Comment, or at any time, to ridicule the Board or individual Board members as was done today. He said he believes those types of comments represent a defamation of character and should not be allowed.

Commissioner Galloway requested that Legal Counsel or management look into broadening Commissioners' Comments so the Board members could clarify issues that are incorrectly presented under Public Comment. He then advised the decision the Board recently made concerning Burning Man had nothing to do with whether the event could be held and only dealt with whether they could have a particular location for a staging area.

Chairman Humke requested a written legal opinion regarding the boundaries of free speech under Public Comment.

Commissioner Sferrazza stated the Board members have laptops at the dais so citizens that cannot be present at the meeting can communicate during the meeting. He advised he believes he did attend the last Truckee Meadows Water Authority meeting and missed the Reno Sparks Convention and Visitor's Authority meeting because he was at a Judge's conference in Winnemucca. He then advised he was recently appointed to the National Association of Counties (NACO) National Board of Directors and will pursue having that organization come to Reno as a national event.

Commissioner Weber said she would like to have an opportunity under Commissioner's Comments to provide an explanation to issues that are brought forth. She said people in the audience might not know the reason why certain things occur. She stated the computers are a helpful resource and believes they are being used for the right reasons. She said she is also concerned about the defamation of character issue.

County Manager Singlaub announced that the ESPN Great Outdoor Games would be held at Rancho San Rafael Park from July 10 to July 13, 2003 and invited the public to attend.

03-741 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the minutes of the regular meeting of March 11, 2003 be approved.

03-742 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 51 sexual assault victims in an amount totaling \$8,992.33, as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated June 19, 2003 and placed on file with the Clerk.

**03-743 AWARD OF BID – OUTSOURCING OF THE PERSONAL
PROPERTY COMMERCIAL TAX BILLING - BID NO. 2375-03 –
INFORMATION TECHNOLOGY/TREASURER**

This was the time to consider award of bid for Outsourcing of the Personal Property Commercial Tax Billing for the Information Technology (IT) Department and the Treasurer's Office. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 18, 2003. 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 vendors:

Automated Computer Methods, Inc.
A.B. Data, Ltd.
Print Solutions, Inc.
Intraform, Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner

Sferrazza, which motion duly carried, Chairman Humke ordered that Bid No. 2375-03 for Outsourcing of the Personal Property Commercial Tax Billing for the IT Department and the Treasurer's Office be awarded to A.B. Data Ltd. in the amount of \$500.26 per thousand, for an estimated annual award of \$6,753.51 based on approximately nine personal property commercial tax bill mailings per year and a total of 13,500 bills mailed annually.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a one year Agreement with A.B. Data Ltd. for the outsourcing of the Washoe County Personal Property Commercial Tax Billing, with the County retaining an option to renew the Agreement in single year increments for up to three additional one year periods. It was noted that the outsourcing of these tax bills may be conducted in-house in subsequent years by the Reprographics Division provided they can be successfully printed, processed and mailed to the taxpayers at a price equal to or less than that offered by A.B. Data Ltd.

**03-744 AWARD OF RFP – HEALTH DEPARTMENT INFORMATION
TECHNOLOGY ANALYSIS - RFP NO. 2394-03 – HEALTH**

This was the time to consider award of a Request for Proposal (RFP) to perform the Health Department Information Technology Analysis for the Washoe County District Health Department. The Notice to Proposers for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 12, 2003. Proof was made that due and legal Notice had been given.

Proposals were received from the following vendors:

MIS2000
Rapidigm
Scientific Technologies Corporation
Venturi Technology Partners

County Manager Singlaub said, pursuant to the Board's request, staff determined that this might be done internally in the future, but the programming requirements to establish an internal billing function exceed the available time to do that this year. She advised that staff would bring the matter back next year with a recommendation about doing the billing in house.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that RFP No. 2394-03 for the Health Department Information Technology Analysis for the Washoe County District Health Department be awarded to Scientific Technologies Corporation in the not-to-exceed amount of \$85,700. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement for the Health Department

Information Technology Analysis with Scientific Technologies Corporation on behalf of the Washoe County District Health Department.

03-745 AUTHORIZE EXPENDITURES – CHILD PROTECTIVE SERVICES – FY 2003/04 – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Department of Social Services be authorized to expend funds from the Child Protective Services Account, Referral Services (7423), to benefit children and families in order to promote keeping families intact. It was noted that the total amount of funds expended on referral services for FY 2002/03 was approximately \$60,000.

03-746 WATER RIGHTS DEED – RAYMOND B. GUERRA – WATER RESOURCES

Upon recommendation of John Collins, Utility Services Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following actions be taken concerning property on Joy Lake Road:

1. The Water Rights Deed between Washoe County, as Grantor, and Raymond B. Guerra, as Grantee, for a total combined duty of 3.36 acre-feet of groundwater rights from a portion of Permits 35147, 35149, 58926 and 65364 be approved and Chairman Humke be authorized to execute the same.

2. The Manager of the Utility Services Division be directed to return the Water Rights Deed to Raymond B. Guerra.

03-747 GRANT OF EASEMENT – SEWER LINE CONTRUCTION – MT. ROSE INTERCEPTOR - WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the grant of easement for sewer line construction to connect the existing sewer at the southwest corner of the Montreux Subdivision to the Mt. Rose Interceptor be approved and Chairman Humke be authorized to execute the same. It was further ordered that the Engineering Manager be directed to record the easement with the County Recorder and the payment of \$8,700.00 for the easement be authorized.

03-748

**GRANTS OF EASEMENT – SANITARY SEWER
CONSTRUCTION – MT. ROSE SANITARY SEWER PROJECT -
WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that six sanitary sewer Grants of Easement for construction and maintenance of sanitary sewer lines along the Mt. Rose Highway be accepted and Chairman Humke be authorized to execute the same. It was further ordered that the Utility Services Division Manager be directed to record the six sanitary sewer Grants of Easement with the County Recorder.

03-749

**ACCEPTANCE OF GRANT – PUBLIC AWARENESS CAMPAIGN
- RAPE PREVENTION ON UNIVERSITY CAMPUS – DISTRICT
ATTORNEY**

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the District Attorney’s Office be authorized to accept additional funds from the Nevada Department of Human Resources, Health Division, for the public awareness campaign for rape prevention on the University of Nevada, Reno campus.

It was further ordered that the assignment and augmentation of the following accounts and funds to the District Attorney’s budget for the term of this grant be authorized:

<u>Account No.</u>	<u>Account Description</u>	<u>Original Budget</u>	<u>New Budget</u>
Revenue:			
1066G1-4301	Federal Contribution	\$ 9,500.00	\$16,960.00
Expenditures:			
1066G1-7103	Professional Services	\$ 1,500.00	\$ 933.00
1066G1-7250	Office Supplies	\$ 3,000.00	\$ 3,000.00
1066G1-7304	Advertising	\$ 2,500.00	\$ 7,794.50
1066G1-7357	Printing	\$ 1,000.00	\$ 1,500.00
1066G1-7815	Medical Equipment	\$ 0.00	\$ 3,500.00
1066G1-7620	Travel	\$ 1,500.00	\$ 232.50
	TOTALS	\$ 9,500.00	16,960.00

It was noted that on July 23, 2002 the Board approved the original grant award in the amount of \$9,500. The Health Division approved an increase in the total grant award from \$9,500 to \$16,960 by two augmentations and extended the term of the grant to October 31, 2003. It was further noted that the additional funds would be used to continue the campaign through the summer months, launching additional media

advertisements and providing information at the University of Nevada, Reno's Fall 2003 freshman orientation. The grant funds will be used to purchase a microscope for the Sexual Assault Response Team's medical exam room.

03-750 ACCEPTANCE OF GRANT – INTRASTATE INTERLOCAL CONTRACT - NEVADA DIVISION OF ENVIRONMENTAL PROTECTION – MT. ROSE WATER SYSTEM WELLHEAD PROTECTION PROGRAM – WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Manager, Water Resources Planning Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Nevada Division of Environmental Protection (NDEP) Grant in the amount of \$21,098.80 be accepted. It was further ordered that the Intrastate Interlocal Contract between the Department of Water Resources and the NDEP concerning the development and implementation of a Wellhead Protection Program for the Mount Rose Water System be approved and Chairman Humke be authorized to execute the same. It was further ordered that the Comptroller be directed to make the following necessary entries to account for the Grant:

<u>Revenues:</u>	<u>Account No.</u>	<u>Amount</u>
Grant Revenue	66134-4302	\$ 21,098.80
<u>Expenditures:</u>		
Salaries	66134-7001	\$ 11,705.60
Benefits	66134-7048	\$ 2,257.20
Overhead	66134-7699	\$ 5,220.00
Travel	66134-7620	\$ 380.00
Supplies	66134-7279	\$ 1,136.00
Software	66134-7236	\$ 400.00

03-751 ACCEPTANCE OF GRANT - FEDERAL HIGHWAY ADMINISTRATION RECREATIONAL TRAILS - JUMBO GRADE TRAILHEAD – PROJECT AGREEMENT - PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Federal Highway Administration Recreational Trails Grant administered by the Nevada Division of State Parks for the construction of the Jumbo Grade Trailhead located in East Washoe Valley in the amount of \$60,477.00 be accepted. It was further ordered that the Director of Parks and Recreation be authorized to sign the Project Agreement and return it to the Division of State Parks and the Comptroller be directed to make the following account changes:

<u>Increase Revenues:</u>	
<u>Account Number</u>	<u>Amount</u>
9052203G-4301	\$60,477
<u>Increase Expenditures:</u>	
<u>Account Number</u>	<u>Amount</u>
9052203G-7878	\$60,477

03-752 ACCEPTANCE OF DONATIONS – SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that donations totaling \$5,664.33 received from the community from July 1, 2002 through June 13, 2003 to be used for miscellaneous needs for the seniors served through the Department be accepted with the Board’s gratitude. It was further ordered that the Comptroller be directed to make the following account changes:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>
025-25041D1-5802	Legal – General Donations	\$ 20.00
025-25041D1-7398	Miscellaneous Expense	\$ 20.00
025-25051D1-5802	Nutrition – General Donations	\$ 624.62
025-25051D1-7392	Nutrition Program	\$ 624.62

It was noted that cash donations were received from the following:

\$1,000.00	20 th Century Club – Adult Day Care Program
\$1,722.61	Estate of Reva Lorraine Knudsen - Nutrition Program
\$ 660.18	United Way - Nutrition Program
\$ 107.54	Scolari’s - Sparks Senior Center
\$ 550.00	First Baptist Church - Nutrition Program
\$ 300.00	Harold’s Pioneers - Nutrition Program
\$ 120.00	AARP - Reno Senior Center
\$ 10.00	Dorothy Matteoni - Adult Day Care Program
\$ 25.00	Mary Rose Garcia - Adult Day Care Program
\$ 25.00	Andrew Musante - Adult Day Care Program
\$ 20.00	Thalia Sankovich - Adult Day Care Program
\$ 100.00	Hobey’s Restaurant - Adult Day Care Program
\$ 250.00	Harold’s Pioneers - Adult Day Care Program
\$ 500.00	Melvin Poole – Nutrition Program
\$ 20.00	Ann Fuller – Senior Law Project
\$ 125.00	Anonymous donation – Sparks Senior Center
\$ 20.00	William Boardman – Sparks Senior Center

\$ 109.00	Anonymous donation – Reno Senior Center
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03-753 INTERLOCAL AGREEMENT – TRANSFER OF LANDS UPON ANNEXATION – CITY OF RENO – PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement Regarding Transfer of Lands Upon Annexation (Neighborhood/Community Parks and Trails) between Washoe County and the City of Reno be approved and Chairman Humke be authorized to execute the same.

03-754 FIRST AMENDMENT TO LEASE – CHANGE OF LESSOR – 4930 ENERGY WAY - PUBLIC WORKS

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the First Amendment to Lease between Sage Partnership G.P., d.b.a. McKenzie Properties (Lessor), The Rose Fraunehoff Revocable Living Trust (Assignee), Washoe County (Lessee), and Truckee Meadows Water Authority (TMWA/Sublessee), concerning the change in the Lessor’s name and mailing address and the Lessor’s approval of the existing Sublease Agreement between Washoe County and TMWA for property occupied by Washoe County at 4930 Energy Way be approved, and Chairman Humke be authorized to execute the same.

It was noted that Sage Partnership G.P., dba McKenzie Properties, sold its ownership rights and title for the property to The Rose Fraunehoff Revocable Living Trust, through Franklyn William Fraunehoff, acting Trustee; and Washoe County and TMWA require an acknowledgement and consent of the existing Sublease Agreement.

03-755 ADDENDUM – WALKER & ASSOCIATES PROFESSIONAL SERVICES CONTRACT – SIERRA FOREST FIRE PROTECTION DISTRICT ATTORNEY

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Addendum to the Walker & Associates Professional Services Contract between Washoe County and Walker & Associates in the amount of \$11,400.00, concerning the provision of analysis and fire service options for the Sierra Forest Fire Protection District, be approved and Katy Singlaub, County Manager, be authorized to execute the same.

03-756

CORRECTION OF FACTUAL AND CLERICAL ERRORS – SECURED TAX ROLL – ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the County Treasurer to correct the errors be approved and Chairman Humke be authorized to execute the same.

PROPERTY OWNER	PARCEL #	AMOUNT	ROLL
James A. & Terry Mitchell	018-191-69	[-\$2,930.90]	2000 Secured
James A. & Terry Mitchell	018-191-69	[-\$2,989.58]	2001 Secured
James A. & Terry Mitchell	018-191-69	[-\$3,044.71]	2002 Secured
Paul R. Helms & Associates, Inc.	021-621-01	[-\$102.39]	2002 Secured
Lonnie & Debra A. Feemster	083-023-02	[-\$561.95]	2002 Secured
Nanette S. Fink	085-740-52	[-\$176.67]	2002 Secured
Jean F. VanWell, et al	122-142-08	[-\$396.58]	2002 Secured
Todd A. & Janet H. Lowe Tr.	122-162-09	[-\$3,453.54]	2002 Secured
Floyd H. & Virginia E. Schwartz	124-041-88	[-\$557.23]	2000 Secured
Floyd H. & Virginia E. Schwartz Tr.	124-041-88	[-\$563.46]	2001 Secured
Floyd H. & Virginia E. Schwartz Tr.	124-041-88	[-\$586.13]	2002 Secured
Lake Country Estates Owners Assn.	129-650-31	[-\$2,106.06]	2001 Secured
Village Plaza Ltd. Ptsp	132-240-12	[\$ unavailable]	2003 Secured
Richard & Georgeann Crocitto	152-142-10	[-\$1,256.87]	2001 Secured
Richard & Georgeann Crocitto	152-142-10	[-\$1,196.88]	2002 Secured
Michael H. & Christine A. Fisher	524-032-04	[-\$434.76]	2001 Secured
Michael H. & Christine A. Fisher	524-032-04	[-\$223.68]	2002 Secured

03-757

INVENTORY POLICY CHANGE – FINANCE

County Manager Singlaub advised that staff is trying to strike a balance between the administrative effort to account for inventory items and the value of those items. She said, pursuant to discussion at yesterday's Caucus, staff is proposing to increase the amount tracked from \$50 to \$1,000 and exempt those items that have a tendency to walk away, such as tools and electronic devices.

Commissioner Galloway suggested a \$1,000 limit, instead of the \$3,000 recommended by staff, would be more appropriate because accountants have advised him that is the typical practice in business.

John Sherman, Finance Director, said it is prudent to keep inventory lists and verify items every year, but staff is trying to balance that inventory with the value of said inventory, and they see this as an opportunity to save some administrative costs.

John Balentine, Purchasing and Contracts Administrator, provided information relative to the type of inventory items valued at less than \$1,000 and between \$1,000 and \$3,000. He discussed the reasons why there should be a fixed asset inventory accounting.

Upon inquiry of Commissioner Sferrazza, County Manager Singlaub advised there are other controls that manage the disposable and consumable inventory, and this item relates to the permanent fixtures of the County's inventory. She said staff is trying to have a less bureaucratic procedure to make sure the public assets are well managed with good stewardship.

Upon recommendation of John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that an inventory policy change to increase the amount of individual items tracked in inventory from \$50 to \$1,000, with the exception of firearms, notebook computers, LCD projectors, tools and electronic items be approved.

03-758 IMAGING SYSTEM PURCHASE - ADDENDUM TO STATE OF NEVADA CONTRACT #1063 – HIGH DESERT MICROIMAGING – BUILDING AND SAFETY

Jess Traver, County Building Official, reviewed background information and discussed the benefits of a document imaging system. He advised the system will allow a number of people to access information at one time, eliminate storage space of records, enhance some security, eliminate the search for misplaced plans, and enhance the permitting and plans examination process. He reviewed the four phases of the project and stated they estimate the process will be complete in one to 1.5 years. Mr. Traver responded to questions of the Board concerning costs and training relative to the new system.

Upon recommendation of Jess Traver, County Building Official, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, it was ordered that the purchase of a complete imaging system in the amount of \$218,781.40, which includes software, hardware, installation, training and other expenses, be approved. It was further ordered that a contract joinder (Addendum to the State of Nevada Contract #1063 Between State of Nevada and High Desert Microimaging) between Washoe County and High Desert Microimaging, Inc. in the amount of \$141,541.00 be approved and Chairman Humke be authorized to execute the same.

03-759 PURCHASE AND SALE AGREEMENT – SIERRA PACIFIC POWER COMPANY – HUFFAKER HILLS – PARKS

Karen Mullen, Parks and Recreation Director, provided information and responded to questions of the Board concerning this item.

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Purchase and Sale Agreement between the County of Washoe (Buyer) and Sierra Pacific Power Company, a Nevada Corporation, (Seller) for the purchase of three parcels of real property in the Huffaker Hills, specifically Washoe County Assessor's Parcel Numbers 022-171-02, 022-171-04 and 022-220-14, in the amount of \$274,000 be approved. It was further ordered that Chairman Humke be authorized to execute the necessary documents upon presentation and satisfaction of all conditions and terms as stated therein.

It was noted that no funding transfers are required, the Huffaker Hills program for land acquisitions is important in providing future access to the surrounding hills and possibly to Alexander Lake, and Washoe County's voter approved Regional Parks, Open Space and Trails bond allocated \$1,500,000 for land acquisition in the Huffaker Hills.

03-760 BEFORE AND AFTER SCHOOL ACTIVITY PROGRAM – PARKS

Karen Mullen, Director, Parks and Recreation, provided information concerning the recommended transition of the Before and After School Activity Program from ten school sites where Washoe County provides the program to the Cities of Reno and Sparks. She advised that Reno and Sparks have indicated their willingness to assume the responsibility for the operation of the Program, and consolidation will maximize staffing efficiencies and minimize management of the Program. She said pulling the sites together provides more opportunities for scholarships for children in need, program enrichment, special instruction, and better arts and culture programs. It also provides for the purchase of recreation supplies at reduced costs and keeps enrollment fees down. Ms. Mullen advised that Washoe County has been struggling to meet the Program's budget and staff felt this was an opportunity to provide a larger program service area. She said the Cities are more than willing to work with the existing employee compliment and hire them into their programs. She then advised that approximately six telephone calls have been received from parents who are concerned about shifting the programs to the Cities.

Commissioner Shaw said his concern relates to the Program at Alice Taylor Elementary School and advised he received a number of telephone calls from parents concerned primarily about maintaining the quality of service that has been provided by Washoe County.

Sam Dehne, Reno resident, stated he is against the abolishment of positions and the jobs should be protected. He said he does not believe this transition was necessary.

Ms. Mullen responded that the three permanent employees will be transferred within Washoe County, and the seasonal positions are filled for the Program in August of each year. The seasonal positions are currently vacant and the hiring of these personnel could be smoothly transitioned to Sparks and Reno. Ms. Mullen advised

that both Cities would like to hire the County's seasonal employees because they have experience with the Program. Staff is working with those employees to make sure they submit applications to the appropriate agency. She stated the Recreation Specialist II position is currently vacant, and that position would be abolished and taken over by a Recreation Specialist I.

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that written notification be provided to the Washoe County School District that Washoe County will no longer be providing the Before and After School Activity Program (BASAP), and Chairman Humke be authorized to execute the letter regarding the same. It was further ordered that the Parks Department Position Control Number 5000-Site Supervisor, 5001-Activity Leader and #28, Recreation Specialist II, be abolished effective August 15, 2003 and that the 2.5 FTE permanent positions (POS #29-Recreation Specialist III, POS #96 and #97-Recreation Specialist I's) now in the BASAP be utilized within other programs in the Parks Department.

**03-761 INTERLOCAL CONTRACT – MENTAL HEALTH
EVALUATIONS – STATE OF NEVADA MENTAL HEALTH AND
DEVELOPMENT SERVICES - LAKE'S CROSSING CENTER -
DISTRICT COURT**

Sam Dehne, Reno resident, spoke in support of this program.

Sheila Leslie, Specialty Courts Coordinator, Second Judicial District Court, advised this program is for the provision of competency evaluations at the jail for criminal defendants.

Commissioner Galloway stated the proposal is closely related to supporting the kind of services the County has committed to provide in the court system and is primarily to protect the rights of people in the system.

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interlocal Contract between Washoe County and the State of Nevada, Division of Mental Health and Developmental Services, Lake's Crossing Center, concerning the provision of mental health evaluations and retroactive to July 1, 2003, be approved and Chairman Humke be authorized to execute the same. It was noted that the total cost of the contract would not exceed \$71,641 in Fiscal Year (FY) 2003/04 and \$72,342 in FY 2004/05 or \$143,983 for the two-year period July 1, 2003 through June 30, 2005.

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Chairman Humke advised that at the recent Board retreat it was decided the Board would break approximately every 1.5 hours.

3:30 p.m. The Board briefly recessed.

3:47 p.m. The Board reconvened with all members present.

03-762 **PROFESSIONAL SERVICES AGREEMENT – DRUG/ALCOHOL
REHABILITATION SERVICES FOR ADULT DRUG COURT –
BRISTLECONE FAMILY RESOURCES - DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Professional Services Agreement retroactive to July 1, 2003 between Washoe County and Bristlecone Family Resources, concerning drug/alcohol rehabilitation services for the Adult Drug Court in the not-to-exceed amount of \$422,400, be approved and Chairman Humke be authorized to execute the same.

03-763 **INDEPENDENT CONTRACTOR AGREEMENT – DAVID
SPITZER – LEGAL SERVICES IN SPECIALTY COURTS –
DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Independent Contractor Agreement for Legal Services in Specialty Courts between Washoe County and David Spitzer, Esq. in the amount of \$135,000 retroactive to July 1, 2003 be approved and Chairman Humke be authorized to execute the same.

03-764 **ACCEPTANCE OF GRANT – BUREAU OF JUSTICE
ASSISTANCE - MENTAL HEALTH COURT – DISTRICT COURT**

Upon recommendation of Ron Longtin, District Court Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the grant in the amount of \$150,000 received from the Bureau of Justice Assistance for the Mental Health Court be accepted. It was noted the grant award is for two years and the required match of \$50,000 will be met through in-kind services. It was further ordered that the creation of one full-time PreTrial Services Officer II position be authorized and the Comptroller be directed to make the following account adjustments:

Key Org	Name	Account	Description	Amount
120431G	Mental Health Court Services Officer Grant	4301	Federal Contributions	\$75,000
120431G	Mental Health Court Services Officer Grant	7001	Salary	\$50,000
		7042	Group Insurance	4,570
		7048	Retirement	10,125

		7050	Medicare	725
		7398	Misc. Expense	9,580

03-765 RESOLUTION – FEE SCHEDULE – ANIMAL SERVICES FOR UNINCORPORATED AREA – PUBLIC WORKS

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution adopting a Fee Schedule for Animal Services for the unincorporated areas of Washoe County including the City of Sparks, in accordance with Section 55.090 2. of the Washoe County Code, be adopted and Chairman Humke be authorized to execute the same:

RESOLUTION

RESOLUTION – Adopting a fee schedule for animal services under Chapter 55 (Animal Services Ordinance) of the Washoe County Code.

WHEREAS, Section 55.090 2. of the Washoe County Code allows the Board of County Commissioners to establish fees from time to time for animal services provided in the unincorporated areas of Washoe County, including the City of Sparks;

WHEREAS, Washoe County Animal Control through Washoe County Code is empowered to perform certain services and functions on behalf of animal control within the unincorporated areas of Washoe County, including the City of Sparks;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA does hereby adopt the Fee Schedule for Animal Services as provided in Section 55.090 2. of the Washoe County Code referenced as Attachment A—Exhibit I; and,

BE IT FURTHER RESOLVED that the Fee Schedule for Animal Services established in Section 55.090 2 of the Washoe County Code, and in accordance with Washoe County Code Sections 55.340 2.; 55.340 3.; 55.360 1.; 55.400 1.(c); 55.650 4.; and 55.760 4. shall be effective upon passage and approval by the Board of County Commissioners; and

BE IT FURTHER RESOLVED that the Fee Schedule for Animal Services shall be reviewed and adjusted from time to time from the date of adoption of this Resolution and any such adjustments shall be returned to the Washoe County Commission for further consideration and adoption.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

**ATTACHMENT A – EXHIBIT I
ANIMAL SERVICES FEE SCHEDULE**

Washoe County Animal Services Ordinance
Fees Set Per WC Code 55.090 2.
Effective July 8, 2003

<u>W.C. Code</u>	<u>Services Rendered</u>	<u>Fee Schedule</u>
55.340 2.	Dog License Penalty	\$ 3.00
55.340 3.	Dog License	\$ 6.00
55.360 1.	Duplicate Dog License	\$ 3.00
55.400 1.(c)	Kennel Permit Application	\$35.00* *plus \$6 license per dog req.
55.650 4.	Exotic Animal Permit Application	\$50.00 (1-time)* *per application, not animal
55.760 4.	Dangerous Dog Registration	\$50.00

03-766 REAPPOINTMENT – WEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Patty Schweitzer be reappointed to serve as the East of McCarran Boulevard representative on the West Truckee Meadows Citizen Advisory Board and William Welch and Bridget Ryan be reappointed to serve as the West of McCarran Boulevard representatives with terms to expire June 30, 2005. No alternates were appointed.

03-767 REAPPOINTMENT/APPOINTMENTS – INCLINE VILLAGE/CRYSTAL BAY CITIZEN ADVISORY BOARD

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Rick Jones be appointed to serve as the Crystal Bay at-large representative on the Incline Village/Crystal Bay Citizen Advisory Board with the term to expire June 30, 2005. It was further ordered that Paul Zahler be reappointed and Susan Marie Fagan and Greg Flanders be appointed to serve as Incline Village at-large representatives with terms to expire June 30, 2005.

**03-768 REAPPOINTMENTS/APPOINTMENTS – SOUTHEAST
TRUCKEE MEADOWS CITIZEN ADVISORY BOARD**

Upon recommendation of Chairman Humke, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following appointments and reappointments to the Southeast Truckee Meadows Citizen Advisory Board be approved:

1. Tom Judy be reappointed as the Hidden Valley Homeowners Association representative with the term to expire June 30, 2005.
2. Paul Murphy be appointed as the at-large alternate with the term to expire June 30, 2005.
3. Sharon Stanley and Craig Wesner be reappointed as the at-large representatives with terms to expire June 30, 2005.

**03-769 REAPPOINTMENTS/APPOINTMENTS – SOUTHWEST
TRUCKEE MEADOWS CITIZEN ADVISORY BOARD**

Upon recommendation of Chairman Humke, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following reappointments/appointments to the Southwest Truckee Meadows Citizen Advisory Board be approved:

1. Ellen Steiner, Faith Fessenden and Robbin Palmer be reappointed as at-large representatives with the terms to expire June 30, 2005.
2. E.J. Smith and Steve Cohen be appointed as at-large representatives with the terms to expire June 30, 2005.
3. Zena Lamp be appointed as an at-large alternate with the term to expire June 30, 2005.

**03-770 REAPPOINTMENT – GALENA-STEAMBOAT CITIZEN
ADVISORY BOARD**

Upon recommendation of Chairman Humke, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Virginia (Ginger) Pierce be reappointed as the Pleasant Valley representative on the Galena-Steamboat Citizen Advisory Board with the term to expire June 30, 2005.

**03-771 RESIGNATIONS/APPOINTMENTS – EAST WASHOE VALLEY
CITIZEN ADVISORY BOARD**

Upon recommendation of Chairman Humke, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the resignations of Sylvia Bryan and Teresa Cole as at-large representatives on the East Washoe Valley Citizen Advisory Board be accepted and Valerie Williams and Ann York be appointed to fill the positions with terms to expire June 30, 2005.

**03-772 APPOINTMENTS – WEST WASHOE VALLEY CITIZEN
ADVISORY BOARD**

Upon recommendation of Chairman Humke, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Bob Rusk and Debbie Sheltra be appointed as at-large representatives on the West Washoe Valley Citizen Advisory Board with terms to expire June 30, 2005.

**03-773 REAPPOINTMENTS/APPOINTMENT – SPANISH SPRINGS
CITIZEN ADVISORY BOARD**

Upon recommendation of Commissioner Shaw, on motion by Commissioner Galloway, seconded by Chairman Humke, which motion duly carried, it was ordered that Christie Magers and Art Verling be reappointed and Fred Horlacher be appointed as at-large representatives on the Spanish Springs Citizen Advisory Board with terms to expire June 30, 2005.

**03-774 REAPPOINTMENTS – SUN VALLEY CITIZEN ADVISORY
BOARD**

Upon recommendation of Commissioner Weber, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that James Georges, John Jackson and Frances Short be reappointed as at-large representatives on the Sun Valley Citizen Advisory Board with terms to expire June 30, 2005. It was further ordered that one seat be held vacant until the end of July, 2003 to allow time for selection of the last available position.

**03-775 REAPPOINTMENTS/APPOINTMENT – VERDI TOWNSHIP
CITIZEN ADVISORY BOARD**

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, it was ordered that Jonathan Benedict and Dee Ann Radcliffe be reappointed and David Freed be appointed as at-large representatives on the Verdi Township Citizen Advisory Board with terms to expire June 30, 2005.

**03-776 APPOINTMENTS – REGIONAL PLANNING COMMISSION –
COMMUNITY DEVELOPMENT**

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Commissioner Stephen Rogers be appointed to the Regional Planning Commission with a term to expire July 1, 2006. It was further ordered that Commissioner Mary Sanada and Commissioner William Weber be appointed as alternates to the Regional Planning Commission.

**03-777 REAPPOINTMENTS/APPOINTMENTS – AIRPORT NOISE
ADVISORY PANEL**

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Terrie Camenisch and Craig Paulsen be reappointed and Patrick Reardon be appointed to the Airport Noise Advisory Panel with terms to expire May 31, 2005.

**03-778 REAPPOINTMENT/APPOINTMENT – BOARD OF
EQUALIZATION**

Gary Schmidt, County resident, said he has previously spoken in opposition to Ron Fox's appointment to the Board of Equalization, believing it was inappropriate because of his many years of employment in the Assessor's Office. He said Mr. Fox has proven to be a very competent and unbiased Board member. He expressed strong support for Mr. Fox's reappointment and appointment as Chair. Mr. Schmidt then suggested that, because three of five votes are required for Board of Equalization action, a couple of alternates should be appointed to better serve the taxpayer.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that Ron Fox be reappointed and Gary Schmidt be appointed to the Board of Equalization with terms to expire June 30, 2007. It was further ordered that the third appointment be continued to the July 22, 2003 meeting.

Chairman Humke said he did not wish to appoint a Chairman at this time and requested input from the other Commissioners concerning this appointment.

**03-779 REAPPOINTMENT/APPOINTMENT – LIBRARY BOARD OF
TRUSTEES**

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Bud Fujii be reappointed and Paul Theiner be appointed to the Library Board of Trustees with terms to expire June 30, 2007.

03-780

APPOINTMENTS - OPEN SPACE AND REGIONAL PARK COMMISSION

Following discussion, the Board agreed there was not enough information about the candidates to make appointments at this time to the Open Space and Regional Park Commission. The Board directed that a sub-committee consisting of Commissioners Galloway and Weber interview the candidates and make recommendations to the Board.

03-781

REAPPOINTMENTS/APPOINTMENTS – SENIOR SERVICES ADVISORY BOARD

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the following appointments be made to the Senior Services Advisory Board (SSAB):

1. Michelle Lacerda be reappointed to the SSAB with a term to expire July 1, 2007.
2. Gerry Taylor be reappointed to the SSAB with a term to expire July 1, 2006.
3. Marilynn Short be appointed to the SSAB with a term to expire July 1, 2007.

The Board directed that the fourth appointment be continued to July 22, 2003 and staff solicit candidates who are seniors and utilize the services of the Senior Center. Dorothy Kosich, area resident, suggested placing flyers with meals delivered to seniors to solicit candidates. Chairman Humke suggested that staff have the appropriate announcement placed at senior living centers and the Reno Housing Authority.

03-782

DISCUSSION - 2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

Adrian Freund, Director, Community Development, provided a status report on the appeals under the dispute resolution process of the Regional Plan Settlement that included DR03-006, an appeal of the Regional Planning Commission's decision on the criteria and development standards for cooperative planning; DR03-007, an appeal filed by Sparks and Reno on how to handle cooperative planning and cooperative planning applications; and DR03-008 on whether the County had jurisdiction to handle the Verdi Business Park application. He advised that DR03-008 currently has a draft stipulation by Reno and Washoe County to dismiss the appeal.

Legal Counsel Shipman stated that legal staff is waiting to make sure everyone is in agreement before bringing the recommendation to dismiss DR03-008 to the Board. She advised she moved to dismiss that matter because there had not been a

timely filing of the appeal, but after further review, staff concluded it was more appropriate to dismiss the case and agree that Reno could move forward with the conformance review issue without admission of any jurisdictional problem and without dealing with the late filing matter. She stated staff felt it was in the interest of the property owners in Verdi to get the matter resolved as quickly as possible.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that staff's recommendation to dismiss DR03-008 be approved.

Legal Counsel Shipman then advised that, as part of the Regional Planning Settlement Agreement, ongoing mediation relating to the McMullen/Beckwourth and Bushey properties is occurring, and she will be soliciting input as to where the Board wants to go concerning that matter.

03-783 BILL NO. 1391 – ORDINANCE CREATING SPECIAL ASSESSMENT DISTRICT NO. 29 – MT. ROSE SEWER PHASE I

Gary Schmidt, County resident, spoke in support of Special Assessment District (SAD) No. 29. He stated the economic driving force behind the SAD is the Mt. Rose Ski Area and the potential positive impact it would contribute to the environmental integrity of the Mt. Rose Corridor. He then thanked Bud Schoenfield, Mt. Rose area resident, for his diligent work and former County Commissioner Ted Short for his long time support of the SAD. He also thanked the staff of the Water Resources Department.

Bill No. 1391, entitled, "AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO," was introduced by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

03-784 RECEIVE SEALED AND ORAL BIDS – ASSESSOR'S PARCEL NUMBER 012-150-16 – 1205 AND 1255 MILL STREET - PURCHASE AND SALE AGREEMENT/ LEASEBACK AGREEMENT/QUITCLAIM DEED – PUBLIC WORKS

Tom Gadd, Public Works Director, advised that on May 13, 2003 the Board declared the property at 1205 and 1255 Mill Street, known as Wittenberg Hall, as surplus to the County's needs and authorized the sale of said property at public auction. He stated the minimum price was set at \$4,660,000 based on a current appraisal, and the property was advertised in accordance with Nevada Revised Statutes in the *Reno Gazette-Journal* on May 21, and June 4, 11 and 18, 2003; a display advertisement ran on June 1 and 29, 2003; and the sale was posted on the County's Web Page and in front of the

property. He stated the instructions to bidders included a leaseback of the facility for a nine-month period at \$1,000 per month with a four-month holding over provision, and acceptance of the Lease Agreement must be included as part of the sale price. Proof was made that due and legal notice had been given.

Chairman Humke opened the sealed bid and requested that staff review the document for conformity.

4:50 p.m. The Board recessed.

5:00 p.m. The Board reconvened with all members present.

Mr. Gadd advised that a written bid was received for \$4,660,000 from Washoe Health Systems, and the required check for \$932,000 and insurance certificates were included. He requested clarification from Washoe Health Systems that the property is accepted with no exceptions and that they agree to the terms and conditions included in the Leaseback Agreement and the Purchase and Sale Agreement. He stated, if those specifications are confirmed, the bid is within conformance of the bid requirements.

Mike Alonso, Jones Vargas and a member of the Board of Washoe Health Systems, advised they are accepting the bid as instructed with all of the conditions.

Chairman Humke called on anyone wishing to make public comments regarding this item and there was no response.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered the bid from Washoe Health Systems be determined as acceptable for consideration.

Mr. Gadd then described the oral bid process, advising any oral bid must be a minimum of five percent higher than the accepted bid from Washoe Health Systems and, thereafter, the bids would be required to increase in a minimum of \$1,000 increments.

Chairman Humke disclosed that he had an ex parte conversation yesterday with Mr. Alonso regarding this item. He then called for oral bids and there was no response. Chairman Humke then closed the oral bid procedure.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the bid for Assessor's Parcel Number 012-150-16 (1205 and 1255 Mill Street) be awarded to Washoe Health Systems in the amount of \$4,660,000.

Chairman Humke stated this sale facilitates the County's plan to build the Juvenile Justice Center and better serve the children of the community.

Jim Miller, President and Chief Executive Officer, Washoe Health Systems, stated he believes working together to purchase this property is in the best interest of the citizens of the County relative to providing health care. He stated they need the property for expansion and are pleased to participate in this partnering action to assure that money is available for the juvenile facilities that are being constructed.

Chairman Humke and County Manager Singlaub thanked Washoe Health Systems and County staff for this accomplishment.

**03-785 COMPREHENSIVE PLAN AMENDMENT CASE NO.
CP00TA-002 – DALE DENIO – TAHOE AREA PLAN –
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners by the Department of Community Development on June 27, 2003 to consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, by re-designating Assessor's Parcel Numbers 123-250-02, 03 and 04 from Medium Density Suburban (MDS: max 3 dwelling per 1 acre) to Low Density Suburban (LDS: max 1 dwelling per acre) and Assessor's Parcel Number 123-250-01 from General Rural (GR: min 40 acres per dwelling unit) to Low Density Suburban (LDS: max 1 dwelling per acre). The existing Medium Density Suburban parcels of approximately 1.35 acres and the General Rural parcel of 4.11 acres would result in 5.46 acres of Low Density Suburban land use. The re-designation would allow the development of 5 parcels under Washoe County Development Code standards. However, the ordinances of Tahoe Regional Planning Agency (TRPA) prohibit the creation of a new parcel and therefore, the property would be limited to the existing four parcels. The request would provide the opportunity to reconfigure the parcels into four building sites each over one acre in size. The parcels are located approximately 1.5 miles northeast of the Nevada/California stateline. The parcels are within the Tahoe hydrographic basin, in Section 18, T16N, R18E, MDM. The parcels are designated within Plan Area Statement 034 and 035 in the Tahoe Regional Plan. Administrative changes to the area plan are necessary to reflect the changes requested within this application, including a revised Land Use Map, and a revised table of land use acreage. Proof was made that due and legal notice had been given.

Chairman Humke opened the public hearing and called on anyone wishing to speak. There being no response, the public hearing was closed.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Comprehensive Plan Amendment Case No. CP00TA-002 concerning Dale Denio, be approved.

1. The proposed amendment to the Tahoe Are Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;

2. The proposed amendment to the Tahoe Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare;

3. The proposed amendment to the Tahoe Area Plan responds to reconfiguration of the lots to provide a more desirable division of the existing lots, thereby allowing a changed condition as that previously approved by the Board of County Commissioners;

4. The proposed amendment to the Tahoe Are Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan;

5. The proposed amendment to the Tahoe Area will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;

6. The proposed amendment to the Tahoe Area Plan is the second amendment to the Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Code;

7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Tahoe Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1);

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing; and

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

03-786 **BILL NO. 1377 – AMENDING CHAPTER 11 – ALTERNATIVE SENTENCING DEPARTMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 27, 2003 to consider second reading and adoption of Bill No. 1377. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said ordinance.

Judge Harold Albright, Reno Justice Court, and Judge Ed Dannon, Reno Justice Court, discussed the history concerning the proposed ordinance. Judge Dannon noted the proposed ordinance language was fashioned after existing departments operating in Douglas County and Carson City, who are working together with the approval and support of the District Attorneys and Sheriffs of those jurisdictions. He discussed the County's discretionary function of providing funding for Court Services. Judge Dannon suggested abolishing Court Services and creating a pretrial services department with the same tasks as Court Services. Judge Albright explained the Justice and Municipal Courts are the primary Courts that work with Court Services on establishing the release of offenders on their own recognizance (OR) or bail reductions or increases, and that is why it is important to move pretrial services to a free standing executive branch function. He stated the function should be responsible to the County Commission because they authorize the funding, have the obligation of maintaining the jail population, and currently have no control concerning the functions. In response to Commissioner Galloway, Judge Dannon referenced a case heard by the Supreme Court which said that, if a court could show that it lacked something to carry out its responsibilities as the third branch of government, then the Board of County Commissioners must fund that need. He further explained the County could provide the service to the District Court. Madelyn Shipman, Assistant District Attorney, said the County has not been given any authority by the Legislature to create a department of pretrial services or to perform the normal types of pretrial functions. Judge Dannon explained a pretrial services department would not be releasing people on OR, but it would be performing as it is now, with the employees calling the Judges and asking for approval to release these people. Commissioner Shaw disclosed he had lunch with Judges Dannon, Graham and Deriso in reference to this matter. Judge Dannon stated a compromise was suggested that the Court Services function remain with the District Court and the County create a department of alternative sentencing, and that compromise did not go far.

Chairman Humke read into the record comment cards submitted by James Melick and Judges Larry Sage, Sparks Municipal Court, Terry Graham, Wadsworth Justice Court, Susan Deriso, Sparks Justice Court, James VanWinkle, Reno Municipal Court, and Jack Schroeder and Fidel Salcedo, Reno Justice Court, in support of the proposed ordinance.

Richard Gammick, Washoe County District Attorney, stated that under the separation of powers, the pretrial function is a function of the courts and the courts are going to have to resolve these issues. He further said the Board does not have the jurisdiction to address the pretrial functions or discuss early case resolution (ECR). He also stated he is in favor of a misdemeanor probation department. In response to Commissioner Sferrazza's question concerning which court to fund, Mr. Gammick said that should be up to the Judges to resolve. In response to Chairman Humke, Mr. Gammick said his office could rework the proposed ordinance because currently it is not

legal. In response to Commissioner Galloway, Mr. Gammick stated the mechanics have already been delegated to the executive branch, and he does not think the decision making process could be delegated.

Judge Jim Hardesty, Second Judicial District Court, said the District Court opposes the changes to alternative sentencing, pretrial and post-trial functions proposed by the ordinance. He stated the Court Services program being operated by Washoe County is one of the most renowned programs in the U. S. and the program has received national recognition. He further said the District Court has an extreme interest in the day reporting activity and its success because it requires that the District Court is supervising mental health court defendants through day reporting personnel. He then discussed the fiscal impact. Carl Hinxman, Director of Court Services, reviewed statistics. In response to Commissioner Shaw, Judge Hardesty said he does not see the need for an ordinance, and he feels the Court Services Subcommittee could resolve this matter. Judge Hardesty stated he recommended to Judge Albright that home visits are something the Board should decide, not the Courts. In response to Commissioner Shaw, Judge Hardesty said an ordinance could not be fashioned concerning pretrial services, but possibly for alternative sentencing, and that would be the Board's decision. In response to Chairman Humke, Judge Hardesty stated the Court Services Department has a \$1.6 million budget, the majority of that money supports pretrial officers that are releasing misdemeanor defendants, and those resources are directly assisting the limited jurisdiction Courts.

Helen Harberts, Attorney, Oroville, California, reviewed her background. She said she began the Butte County Drug Court which is now a national model and is often used as a description of how an extremely poor County, that lives on the edge of bankruptcy, managed to get a hold of a methamphetamine epidemic. She explained that it is important to go to the homes of addicts to effectively get the information to determine their treatment needs. In response to Commissioner Galloway, Ms. Harberts said community supervision involves other reporting functions, such as office visits, testing, coordination with treatment providers, communication, and centralized case management. Commissioner Galloway asked if there is proof that down the road the costs can be recovered through savings at the jail and Ms. Harberts stated absolutely and referenced research that could be found through Columbia University, the American University, or the California Administrative Office of the Courts, which demonstrated that after a number of years the savings were in the hundreds of thousands of dollars in Butte County.

Judge Albright noted that in Douglas County and Carson City both Judge Griffin and Judge Gibbons have independently confirmed the reduction in felony cases in their Courts due to this aggressive program is 30 percent.

Doug Swalm, Chief Probation Officer, Douglas County Department of Alternative Sentencing, reviewed the program in Douglas County. He said in six years he has personally put 200 probationers into residential drug treatment programs and has had only 28 come back after successfully completing the drug treatment program.

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

Following Board discussion and input from County Manager Katy Singlaub and Ms. Shipman, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the public hearing be re-opened and continued to August 12, 2003 at 5:30 p.m., and the District Attorney be directed to meet with the Courts and attempt to fashion an acceptable ordinance. It was noted there may be alternate versions brought to the Board at that time, including Judge Dannon's draft alternate version.

**03-787 AGREEMENTS/MOU – BASIC RECOVERY ASSOCIATES, INC.,
NORTH STAR TREATMENT AND RECOVERY CENTER,
P.E.E.R., INC., DOUGLAS COUNTY & CARSON CITY –
DISTRICT COURT**

Judge Harold Albright, Reno Justice Court, said he does not care where or under what structure the provision for indigent care and drug testing occurs. He stated the money is available in the grant and should not be denied to the defendants. He further said his Court is obtaining the money to pay the match. Judge Albright said for two weeks the court was denied the right to send people to Day Reporting for drug testing, and \$16,000 was there waiting to have these Agreements signed. He stated there is a loophole in the law because the law says the offenders must receive counseling in accordance with their financial ability to pay; and, if they cannot pay, he cannot send them to counseling.

Madelyn Shipman, Assistant District Attorney, advised the Board the District Attorney's Office had only completed a preliminary review of the agreements and said she thinks the District Attorney's Office could work on the agreements and work with the Douglas and Carson District Attorneys' Offices in terms of getting an interlocal agreement instead of a Memorandum of Understanding (MOU).

In response to Commissioner Galloway, Judge Albright said he did not have any major problems concerning the suggestions made by the District Attorney's Office regarding the provider agreements.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the Agreement for Services to be provided to the Counseling Compliance Program of the Reno Justice Court between the County of Washoe and Basic Recovery Associates, Inc., and an Agreement for Services to be provided to the Counseling Compliance Program of the Reno Justice Court between the County of Washoe and North Star Treatment and Recovery Center, both Agreements concerning the provision of Professional Services of intensive therapeutic treatment required by the Court; execution of an Agreement for Services to be provided to the Counseling Compliance Program of the Reno Justice Court between the County of Washoe and P.E.E.R., Inc., concerning provision of Professional Services of

oral drug testing required by Court be approved with the District Attorney's suggested amendments.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that the MOU/interlocal agreement be continued to August 12, 2003 and the District Attorney and Judges attempt to fashion an appropriate agreement.

Commissioner Galloway stated he would like staff to consider any offset there might be by cost savings through the jail and court load in the District and Justice Courts for repeat offenders.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 8:25 p.m.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Barbara Trow and Melissa Ayrault,
Deputy County Clerks*