

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

8:30 A.M.

JANUARY 11, 2011

PRESENT:

**David Humke, Chairman\***  
**Bonnie Weber, Vice Chairperson**  
**Bob Larkin, Commissioner\***  
**Kitty Jung, Commissioner**  
**John Breternitz, Commissioner**

**Amy Harvey, County Clerk**  
**Katy Simon, County Manager**  
**Melanie Foster, Legal Counsel**

The Washoe County Board of Commissioners convened at 8:36 a.m. in regular session in the Commission Caucus Room, 1001 East Ninth Street, 2nd Floor, Room A205 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:

County Manager Katy Simon stated: "The Chairman and the Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings."

**11-03      AGENDA ITEM 3 – PUBLIC COMMENT**

**Agenda Subject: "Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole."**

Garth Elliott spoke on the possible scenarios and the fact that citizens hoped for a smaller County government. He suggested that Washoe County government consolidate.

Dr. George Furman thanked the Board for their work and keen interest in the operation of the District Board of Health. Nationally, he said 25 percent of health

department's total budgets were provided by their local governments. He said our local government provided approximately 50 percent of the Health Department's total budget. In view of projected federal and state funding and the necessities of continued mandated services, efficiency and other considerations, our local government's support for the Health Department should be reduced to 25 percent of the total budget. Dr. Furman remarked the majority of that decrease should be accomplished in fiscal year 2011/2012.

**11-04            AGENDA ITEM 4**

**Agenda Subject: "Discussion and direction to staff regarding possible scenarios for the future role of Washoe County government, including, but not limited to, how it may impact or be impacted by the federal government, the State, other local governments, business, non-governmental organizations, citizens, employees and/or other factors as appropriate."**

Katy Simon, County Manager, remarked it was understood that the future role of government would depend upon many factors, such as the economy, the Legislature, citizen expectations and governance models. She thought it would be useful for the Board to consider some of those processes in developing scenarios about the future and then give staff insight into what the Board thought County government should be doing in light of those possible scenarios.

John Slaughter, Management Services Director, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation provided an overview and scenario planning for the future role of Washoe County government. He discussed the objectives as being: major issues of concern; driving forces; scenarios; and, scenario implications. He identified the major issues, the driving forces, ranked the driving forces and asked the questions, which of the driving forces had the highest impact on the future of County government, and which had the highest degree of uncertainty. He said scenario planning was not about predicting the future, but a way to anticipate, plan and hopefully influence the County's future.

Richard Gammick, District Attorney, asked if this would be the main role the Board planned on using for strategic planning. Ms. Simon replied this would be their process to identify some of the future scenarios. She noted the Board had made it clear that department heads would be included in that planning. Ms. Simon said it would be a different way of environmental scanning rather than just listing the things that were happening.

Mr. Slaughter gave examples of possible scenarios; trends and implications and the next steps involved, which would be a department head retreat, refine scenarios/implications for Washoe County, a summary report from "Future of County Government" workshops, a status report of the 2010/11 Washoe County Strategic Plan and a revised 2011/12 Washoe County Strategic Plan.

**\*8:53 a.m.**    Commissioner Larkin arrived.

Ms. Simon asked the Board to define some important issues for this government to be thinking about. Commissioner Jung stated other than the impending Legislative session there was a fear of a sluggish recovery, meaning would property taxes return to maintain the services that the citizens demanded and would the economic development in northern Nevada be augmented to make that recovery sooner rather than later.

Commissioner Breternitz asked, from an environmental and/or political standpoint, how items covered by the Board would be affected by decisions made by others.

Vice Chairperson Weber agreed that the upcoming Legislative session was a concern, but also unfunded mandates needed to be reviewed as well as unemployment in the region. She hoped the Legislature would review NRS 288 which could and would impact the County. She stated the County had been fortunate to have bargaining units that worked well with the Board. Vice Chairperson Weber stated volunteers needed to be incorporated and encouraged to work with the bargaining units since volunteers were a necessary commodity. She emphasized that government could not be everything to everybody, but had to look at citizens becoming more accountable and responsible.

Commissioner Breternitz said it appeared there were four outlined scenarios for the Board, but asked if the intention was for the Board to develop four different plans, one per scenario. Mr. Slaughter explained the intention was for multiple scenarios to be developed and then the plan would approach and reflect the strategy regardless of which scenario played out. He said since some strategies may work in some areas, but not others, the process would review the commonalities in the scenarios. In the end, one plan would be developed, not four plans developed for each scenario.

Commissioner Larkin said for the past 10 years an underlying assumption on how the County funded local governments was based on the Consumer Price Index (CPI) plus population growth, which was predicated upon an assumption that the underlying basis of the economy was sound. He said that needed to be scrutinized because over the last 10 years, based on two repetitive bubbles that burst, the fundamental underlying basis for the economy was not sound.

Mr. Slaughter continued the presentation and discussed the driving forces as being social forces, technological forces, economic climate, environmental forces and the political climate.

Vice Chairperson Weber said health benefits for employees, compensation packages and retirees needed to be further examined as a driving force.

Mr. Gammick stated that he did not see crime reflected anywhere in the presentation. Mr. Slaughter indicated public safety would be listed as a social force. He

said the question to ask would be what the County expected the crime rate to be in the future.

Ms. Simon asked if there were other forces that belonged or needed to be added as important driving forces.

Commissioner Jung was concerned how the private sector would fit into the scenarios and how they would be a driving force in terms of how they impacted or what they expected from local government. Mr. Slaughter said that question should be asked in all of the driving forces.

Mr. Slaughter stated the next step was to rank the driving forces. He said a way to think of that was to ask which of the driving forces would have the highest impact on the future of County government, and which would have the highest degree of uncertainty. He said staff had identified two, the economic climate and the political climate. Commissioner Larkin agreed with the economic climate; however, suggested adding social forces and the political climate together.

Commissioner Jung stated the aging population in the County was not mentioned under social climate. She said northern Nevada was still an attractive place to retire and, as neighboring states began to rebound, that population would be returning to Nevada. She said they offered wisdom and a dynamic to the community, but also requested services, which at times were difficult to address.

Ms. Simon explained that was attempted to be captured in the changing demographics. In addition to the aging population, there were also fewer children arriving into the school system and a smaller age cohort in the working age population.

Frank Partlow said he read a good deal about demographics and a specific bubble in the demographics called “baby-boomers.” He agreed with the need for all types of healthcare and noted the baby-boomers all voted and needed to be paid attention to. He said the one topic he did not like to discuss, but saw as a necessity, was mortality. Mr. Partlow indicated his interest on what would occur in the future for the country and the County was different as he approached his mortality.

Ms. Simon said at this point staff felt the political climate and the economical climate were more uncertain than the changing demographics.

In identifying the two driving forces, Mr. Slaughter discussed the economical and political environments from a negative end to a positive end and the possibilities for each of the four quadrants. Mr. Slaughter reviewed some of the possibilities that had been placed in the four quadrants as noted on the last page of the presentation. He said the point was not to focus on what was listed, but to determine the possibilities and what the future could bring.

Commissioner Breternitz agreed with the quadrants. He said if social forces were added this could be a good document for the Board. He stated an ideal plan would work with all identifiers.

Commissioner Larkin stated scenario planning had been around for a long time and was a qualified mechanism, but cautioned with a more detailed plan came the potential loss of flexibility. He asked what the Board could expect regarding guidance and level of detail. Mr. Slaughter replied staff was not trying to predict the future with the scenarios. He explained some of the possibilities would be detailed and also some of the high level framework for each of the scenarios. Ms. Simon added, what would affect County government and what would strongly influence the County government and the success of that government, would also be detailed.

Commissioner Breternitz said with the addition of the social element the level of detail presented was fine. However, the key was if the details were graphic and distinct enough to where the Board could throw the measure of a plan and see if the specific element of that plan worked under the scenarios.

Commissioner Larkin said if this was going to be the primary communication vehicle to department heads, he wanted to ensure that the department heads understood that vehicle. He asked what process would be used to transition from this conceptualization or was this being presented as the reality.

Ms. Simon stated this was “food for thought” and the first step for the Board to determine if the possible scenarios were an adequate starting point. Commissioner Larkin asked if this was a template. Ms. Simon replied it was challenging to picture a scenario when the economic environment was terrible but with high political consensus; however, when forced to think about what that might produce, she could visualize that being a scenario.

Commissioner Jung asked if the Board would look at trying to predict booms and busts of our own economy in scenario planning. Ms. Simon replied that could be put into the economic environment continuum. Commissioner Larkin stated it would be more of a response to a scenario rather than a scenario in itself.

Commissioner Breternitz believed that the Board would ultimately want to come forward with a plan, which would entail a vision of governmental structure that allowed the Board to deal in a flexible fashion with the ups and downs of the economy.

Josh Wilson, Assessor, expressed his concern over the previous slide that stated “tax reform ends depreciation and sets property valuation to market value.” He indicated inherent in any market value estimate was depreciation of some sort, unless the property was brand new. He understood what it said, but did not think we wanted to end depreciation. Ms. Simon agreed and said the wording could be modified and requested Mr. Wilson work with that rewording.

Commissioner Larkin said the general approach being proposed was that the County move to scenario planning and then the department heads would be responsible for building a plan for their departments. Ms. Simon stated not necessarily. She said a plan would be developed for County government that would be affective regardless of the scenario, and then the departments would set their plans. Commissioner Larkin agreed, but the department heads needed to know what was being requested.

Rosemary Menard, Water Resources Director, commented she had been doing scenario planning on water issues for over a decade. She said the proposed strategy was the goal and should say “what would you do if this happened,” not “was it going to happen.” She said a no regret strategy should be implemented and what should be done to achieve flexibility.

Grady Tarbutton, Senior Services Director, said the consensus needed to be worked on so the public saw something that built a political will to make the decisions needed.

Mr. Gammick stated before the departments put plans together to support the vision, they first needed to see the Board’s plan. Commissioner Larkin agreed.

Dr. James Svara, Arizona State University, commended the Board for their commitment to thinking seriously and carefully about the future. He said the multi-stage approach to a planning process had important benefits. Dr. Svara said addressing this issue with time in between to do more work would be something others would want to follow. He commented on the driving forces and felt that the Board had identified the right forces. He felt that educational attainment would take on new meaning in the information age and combine traditional education as well as the way people of all ages were exposed to and could acquire information. He said the aging phenomenon was critically important and “baby-boomers” would now impact issues relating to the third thirty years of peoples lives. However, not mentioned in the social forces was immigration and changes in ethnic attitudes. He said there were indications that new immigrants had stronger social values with different needs provided to family members. He said the organization of the future would also be shaped by young professionals and new technology, making a powerful force to watch. In terms of environmental forces, he commended the County for the commitment to sustainability and long-term attention to maintaining and protecting resources and reducing risk.

In regard to the economic climate, Dr. Svara said the economic uncertainty had to be dealt with and pointed to the importance of sustainable budgeting. He stated it was not a battle between pro-growth and anti-growth and cited recent studies that identified the way governments were combining a strategic growth management strategy that reviewed combinations of growth that would enhance a region. Dr. Svara questioned if a local government could shape their political climate. He felt that was possible because local governments had a closer interaction with citizens than the State and federal governments. He explained there was the challenge to maintain a more

collaborative, consensus-based approach to a political discussion at the local level in contrast to the contention that was occurring at the State and national levels.

Finally, Dr. Svava said government could not be everything and that government could not do everything. He said many of the challenges that governments now faced had to be addressed with the active contribution of citizens.

Commissioner Larkin said he took three issues from Dr. Svava's comments: the changing demographics; immigration, which could have ramifications not even considered; and, technology. He indicated that the County could move to a flatter organization and to an organization where the players within that organization would be temporary. Commissioner Larkin stated that would have significant ramifications to the retirement systems and health plans.

Commissioner Jung commented on educational attainment. She said Nevada used to be able to provide low-skilled workers decent wages; however, that did not occur anymore because the casino industry did not have the monopoly on the gaming industry.

Richard Bostdorff agreed with the planning process and concurred with many of the comments from Dr. Svava. In regard to technology, he said it was not so much the technology or the flat workforce, but the way people did business that would significantly impact all operations, particularly governmental operations. He said somehow those trends needed to be captured in the process. From a facilitating role, all three workshops needed to be reviewed to see how everything came together. He stressed that in scenario planning the Board needed to be careful and not spend an equal amount of time on each scenario. He also asked if stability was more important than anything else and understanding what the climate would reflect. Mr. Bostdorff said the more the process could be made visible, the more people could count on what would occur.

Ms. Simon reiterated the next steps in the process and scheduling a department head retreat for February 1, 2011. She said during the retreat a status report would be presented on the 2010/11 strategic plan and, then using the information from these workshops, build a new 2012/13 strategic plan. Commissioner Larkin asked how the work completed over the three workshops would be tied to the 2011/12 budget. Ms. Simon replied that tie would come through departments.

Vice Chairperson Weber suggested that department heads be allowed to offer input during the February 1, 2011 retreat.

Commissioner Breternitz said he had not heard discussion concerning the long-term development vision for County government in the next steps. Vice Chairperson Weber asked if that would be incorporated within the budget and strategic planning in the present. Commissioner Breternitz stated this process allowed the Board to do long-term planning and suggested the Board have that discussion with a possible timeline.

**10:05 a.m.** The Board recessed.

*Following Item #4 above, the Board of County Commissioners will recess and reconvene at 10:00 a.m. in the Washoe County Commission Chambers located at 1001 E. 9th Street, Reno, for the remainder of the County Commission Agenda.*

**\*10:20 a.m.** The Board reconvened in regular session with all members present.

Chairman Humke called for a moment of silence to honor the victims and their families stemming from the tragic events that recently occurred in Tucson, Arizona.

**11-05            AGENDA ITEM 7 – ELECTION OF CHAIRMAN**

**Agenda Subject:** “Election of Chairman of the Washoe County Board of Commissioners.”

Commissioner Larkin nominated Commissioner Breternitz for Chairman.

In response to the call for public comment, Sam Dehne commented on the nomination.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that Commissioner Breternitz be elected as the Chairman of the Washoe County Board of Commissioners. Commissioner Breternitz assumed the gavel and presided over the meeting.

**11-06            AGENDA ITEM 8 – ELECTION OF VICE CHAIRMAN**

**Agenda Subject:** “Election of Vice Chairman of the Washoe County Board of Commissioners.”

Commissioner Humke nominated Commissioner Weber as Vice Chairperson.

In response to the call for public comment, Sam Dehne commented on the nomination.

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Commissioner Weber be elected as the Vice Chairperson of the Washoe County Board of Commissioners.

**11-07**                    **AGENDA ITEM 9 – PROCLAMATION – COOPERATIVE  
EXTENSION**

**Agenda Subject:** “Proclamation--January 2011 as National Radon Action Month in Washoe County. (All Commission Districts.)”

Commissioner Jung read and presented the Proclamation to Susan Howe, Nevada Radon Education Program Director. Ms. Howe thanked the Board for the Proclamation. She remarked that 20 percent of the homes that had been tested for Radon in Washoe County had found elevated levels and indicated the highest level of Radon in the State had been found in the City of Reno. Ms. Howe stated that 5,800 short-term test kits were requested by Washoe County residents and over 3,400 had been used. She said Cooperative Extension had the responsibility to inform citizens of the Radon health risk and indicated that Radon programs were being offered throughout the County during the month of January. Ms. Howe announced the locations and dates for the upcoming events and said that free Radon kits were available to the public.

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 9 be approved.

**11-08**                    **AGENDA ITEM 10**

**Agenda Subject:** “Presentation of the “Distinguished Service to the Cause of Conservation” plaque and Certificates of Appreciation by Doug Martin, District Manager, Nevada Tahoe Conservation District and/or Barbara Perlman-Whyman, Vice President, Nevada Association of Conservation Districts, to Washoe County Department of Public Works. (Commission District 1.)”

Doug Martin, District Manager, Nevada Tahoe Conservation District, and Barbara Perlman-Whyman, Vice President, Nevada Association of Conservation Districts, presented the “Distinguished Service to the Cause of Conservation” plaque and Certificates of Appreciation to Dan St. John, Public Works Director and Kimble Corbridge, Assistant Public Works Director. Mr. Martin recognized the County’s efforts in planning, designing, installing and maintaining erosion control and stormwater treatment projects in the Lake Tahoe Basin.

Ms. Perlman-Whyman commended the Public Works Department on their progressive work in stormwater treatment plants for the Tahoe Basin.

Mr. St. John said it was a pleasure to be a part of the effort in the Tahoe Basin and to work with such a professional staff. Mr. Corbridge also added that it had been a pleasure to work in the Tahoe Basin, and he looked forward to the continued cooperation and collaboration.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 10 be accepted.

**11-09            AGENDA ITEM 11 – GREEN TEAM**

**Agenda Subject: “Presentation to County Commission of the “Milestone 1 Achievement Award” for Greenhouse Gas Emissions Inventory and Forecasts; of the International Council for Local Environmental Initiatives “Local Governments for Sustainability” program. (All Commission Districts.)”**

Bill Whitney, Planner and Green Team Chairman, indicated the Green Team had submitted the Greenhouse Emissions Inventory and Forecast (GHG) report to the *International Council for Local Environmental Initiatives* (ICLEI) for approval on July 27, 2010. He stated that the Green Team was now working on Step 2, setting an emissions reduction target, and Step 3, developing a climate action plan for reducing emissions.

Mr. Whitney presented the Milestone 1 Achievement Award to the Board for the Greenhouse Gas Emissions Inventory and Forecasts of the International Council for Local Environmental Initiatives “Local Governments for Sustainability” program.

Commissioner Jung commended staff for tackling the Green Team initiative, which was based solely on a passion and a commitment to the quality of life in Washoe County.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 11 be accepted.

**11-10            AGENDA ITEM 13 – PUBLIC COMMENT**

**Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to two minutes per person. Comments are to be made to the Commission as a whole.”**

Sam Dehne spoke on the resignation of State Senator Bill Raggio and the upcoming replacement process for that Senate seat.

Laura Brown discussed the domestic well situation in the Callahan Ranch area. She indicated her domestic well had run dry in June 2010 and stated she could not afford the fees to hook up to municipal water. Ms. Brown said after AB 54 (the need to

financially assist property owners desiring to convert from a private on-site domestic well or septic system to a Washoe County water or sewer system) passed, she had applied for the loan and went through the process with the Department of Water Resources; however, she was denied the loan. Ms. Brown indicated residents that had paid the fees had gone to mitigation and were now being reimbursed approximately 75 percent of those paid fees. She stated she had exhausted all efforts and was requesting assistance from the Board.

Toni Harsh submitted her name to be considered to fill the State Senate District 3 seat being vacated by Senator Raggio. She submitted a letter stating her qualifications, which was placed on file with the Clerk.

Patty Cafferata stated her interest in the vacancy for the State Senate seat being vacated by Senator Raggio.

Daryl Drake spoke on the Nevada 2.0 Conference recently held in Las Vegas where discussions took place concerning the new economies for a future Nevada. He encouraged the Board members to participate in future discussions.

Jim Galloway stated his interest in the vacancy for the State Senate seat being vacated by Senator Raggio. He submitted a letter stating his qualifications, which was placed on file with the Clerk.

Garth Elliott referenced the discussions that took place earlier during the Board's workshop concerning economic and political scenarios for the County.

Gary Schmidt announced that citizens should file their tax assessment appeals to the Board of Equalization.

Kevin Christenson stated his interest in the vacancy for the State Senate seat being vacated by Senator Raggio.

## **11-11            AGENDA ITEM 12 – ANNOUNCEMENTS**

**Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)”**

Katy Simon, County Manager, noted that an addendum, Agenda Item 40, discussion and direction regarding the process and timing for filling vacancy in Washoe Senate District 3, had been added to the agenda. She announced that Agenda Items 14C(3), 17 and 21 would be pulled from the agenda.

Commissioner Larkin suggested Agenda Item 40 be heard after this item. Commissioner Jung also suggested Agenda Item 40 be heard after this item.

Commissioner Weber requested that Laura Brown supply her contact information to the Clerk so staff could contact her regarding her domestic well situation. She also supported hearing Agenda Item 40 after this item.

Commissioner Humke requested an agenda item to discuss the following: individual residential wells; the affects of production wells on residential wells; the operation and management of the Well Mitigation Board; the possibility of establishing a loan program for hook up fees and other mitigation costs for citizens who were on residential wells; and, the effects of AB 54.

Chairman Breternitz confirmed that Agenda Item 40 would be heard after this item.

**11-12            AGENDA ITEM 40 – ADDENDUM**

**Agenda Subject: “Discussion and direction regarding the process and timing for filling vacancy in Washoe Senate District 3 (the Board will not be filling the vacancy on January 11, 2011.”**

Commissioner Weber recused herself from the discussion of the process because her husband was considering applying for the vacancy.

Commissioner Humke stated that Senator Bill Raggio requested to leave his thoughts as to the type of qualities he would like to see in a replacement for the Senate seat, and he felt that courtesy was owed to the Senator. He read from a communication sent by Senator Raggio stating he would like to see an appointee who had sufficient experience in government and/or the political realm, a person who was conciliatory and had the ability to bring about the reconciliation of widely differing views to serve the legislative process, a person willing to do the work necessary for the legislative process and who took the view for the entire State of Nevada with particular attention to serving the needs of northern Nevada. Commissioner Humke read a statement that had been published in the *Reno Gazette Journal*, which was placed on file with the Clerk that praised the 40 year Senate career of Senator Raggio.

The Board noted that the only criteria NRS set forth for a State Senate or Assembly vacancy appointment was that the person appointed must be of the same political party as the former incumbent and who actually, as opposed to constructively, resided in the District. The Board determined the position be open to anyone who attests that they were a member of the Republican Party and resided within Washoe County State Senate District 3. Melanie Foster, Legal Counsel, noted that State statute also required in order to hold a legislative office, the applicant must be at least 21 years of age, a resident of Nevada for at least one year, and eligible to vote.

Commissioner Larkin suggested the same process be used to fill this vacancy as was used to fill the Reno Justice of the Peace vacancy, which was the Board having each applicant answering the same set of questions posed by the Commissioners.

To ensure fairness among applicants, Commissioner Larkin suggested that all applicants be sequestered until it was their turn to be interviewed in the public meeting. In establishing this process, it would stress the Boards desire for a fair and transparent process.

The Board directed that any letters of interest with any supporting material, optional at the discretion of the applicant, be received by Friday, January 14, 2011 by 5:00 p.m. in the County Manager's office. The Commission would interview each interested applicant, who certified they were of the same party and District as the current incumbent, in an open meeting on Tuesday, January 18, 2011 beginning at 9:00 a.m. in the Commission Chambers.

In response to the call for public comment, Reba June Burton asked three questions: would there be public comment before the selection was made; did the citizens who had publicly stated their intent need to reapply after this meeting; and, would the public be permitted to be in Chambers during the interview process.

Gary Schmidt commented on the condition of the County and felt that the philosophies of Senator Raggio should not be considered in filling this vacancy.

Perry DiLoreto encouraged the Board to remember that a State Senator was being appointed, which was a highly regarded position. He said the Board had the presumption to expect certain performances, capacities and capabilities from the applicants.

Chairman Breternitz clarified since this was a public process the meeting would be open to the public. Commissioner Humke stated that the Open Meeting Law would apply and those individuals who had already submitted their names would need to reapply after action was taken.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber abstaining, it was ordered that the following process to fill the vacancy in Washoe Senate Seat 3 be approved:

- To convene on January 18, 2011 at 9:00 a.m. with no set recess time;
- To accept a minimal application or letters of interest with any supporting materials at the option or discretion of the applicant;
- That the applications must be received by Friday, January 14, 2011 by 5:00 p.m. in the County Manager's office;
- That all additional materials and packets of information be made available by 9:00 a.m. on January 18, 2011 to the Board and the public;
- That all interviews be held in public with no prior release of any applicant information;
- That staff be directed to develop a list of questions and distribute to the Board, not prior to 9:00 a.m. on January 14, 2011 then each Commissioner would pick the question they chose to ask;

- That a request be made to the applicants to be sequestered; and,
- At the conclusion of the interviews, the Board make an appointment on the same day to fill State Senate Seat 3.

### **CONSENT AGENDA**

It was noted that Agenda Item 14C(3) would be pulled from the agenda and Agenda Item 14C(1) would be heard separately.

It was also noted that after recusing herself from Agenda Item 40, Commissioner Weber returned to the dais for the remainder of the meeting.

### **11-13 AGENDA ITEM 14A**

**Agenda Subject:** “Approve minutes for the Board of County Commissioners’ meeting of November 9, 2010.”

Chairman Breternitz noted a correction was needed on page 36 of the minutes.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14A be approved.

### **11-14 AGENDA ITEM 14B(1) – DISTRICT HEALTH**

**Agenda Subject:** “Approve budget amendments [totaling decrease of \$68,035 in both revenue and expense] to the Fiscal Year 2011 Assistant Secretary for Preparedness and Response Hospital Preparedness Federal Grant Program, IO 10708; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14b(1) be approved and directed.

### **11-15 AGENDA ITEM 14B(2) – DISTRICT HEALTH**

**Agenda Subject:** “Approve budget amendments [totaling increase of \$47,352 in both revenue and expense] to the Fiscal Year 2011 Family Planning Title X Federal Grant Program, IO 10025; and if approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14B(2) be approved and directed.

**11-16            AGENDA ITEM 14B(3) – DISTRICT HEALTH**

**Agenda Subject: “Approve budget amendments [totaling increase of \$71,638 in both revenue and expense] to the Fiscal Year 2011 Centers for Disease Control and Prevention Public Health Preparedness Federal Grant Program, IO 10713; authorize creation of an on-call Epidemiologist Intermittent Hourly position, as evaluated by the Job Evaluation Committee; authorize creation of an on-call Public Health Investigator Intermittent Hourly position, as evaluated by the Job Evaluation Committee; and if all approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14B(3) be approved and directed.

**11-17            AGENDA ITEM 14B(4) – DISTRICT HEALTH**

**Agenda Subject: “Approve budget amendments [totaling increase of \$33,060 in both revenue and expense] to the Fiscal Year 2011 Maternal and Child Health Federal Grant Program, IO 10828; approve amendments [totaling increase of \$24,940 in both revenue and expense] to the Maternal and Child Health State Grant Program, IO 10007; authorize creation of an on-call Public Health Nurse Intermittent Hourly position as evaluated by the Job Evaluation Committee; and if all approved, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14B(4) be approved, authorized and directed.

**11-18            AGENDA ITEM 14C(2) – PUBLIC WORKS**

**Agenda Subject: “Approve renaming a portion of Red Rock Road, lying north of Britt Road, to N Red Rock Road. (Commission District 5.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, Chairman Breternitz ordered that the request to change a portion of Red Rock Road, lying north of Britt Road to N. Red Rock Road be approved.

**11-19            AGENDA ITEM 14C(4) – PUBLIC WORKS**

**Agenda Subject: “Approve Grant of Bus Stop Easement between Washoe County, on behalf of Reno-Sparks Convention Visitors Authority (Grantor) and Regional Transportation Commission (RTC) (Grantee) to allow RTC to expand an existing bus stop easement on a portion of APN 025-011-19 to allow for improved access; and if approved, authorize Chairman to execute the Grant of Bus Stop Easement. (Commission District 3.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14C(4) be approved, authorized and executed.

**11-20            AGENDA ITEM 14D – SENIOR SERVICES**

**Agenda Subject: “Accept supplemental grant award from State of Nevada Aging and Disability Services Division for the Nutrition Services Incentive Program [\$19,083 - no County match] retroactively for the period October 1, 2009 through December 31, 2010; and if accepted, authorize Chairman to sign Notification of Grant Award. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14D be accepted, authorized and executed.

**11-21            AGENDA ITEM 14E – SOCIAL SERVICES**

**Agenda Subject: “Authorize Washoe County Department of Social Services through the Washoe County Purchasing Office, to solicit written proposals for a community based case management substance abuse support program for at-risk youth in the community. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14E be authorized.

**11-22            AGENDA ITEM 14F(1) – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Affirm the City of Sparks Citizen Advisory Committee’s (CAC) recommendation and appoint Bill Steward as the Sparks CAC Alternate to June 30, 2012 on the Spanish Springs Citizen Advisory Board. (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that the City of Sparks Citizen Advisory Committee’s (CAC) recommendation be affirmed and Bill Steward be appointed as the Sparks CAC Alternate to June 30, 2012 on the Spanish Springs Citizen Advisory Board.

**11-23            AGENDA ITEM 14F(2) – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Approve Resolution to sponsor an amendment of the Truckee Meadows Regional Plan to amend a utility corridor from Virginia Peak to the Tracy Power Plant; and if approved, authorize Chairman to execute Resolution. (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14F(2) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**11-24            AGENDA ITEM 14G - TREASURER**

**Agenda Subject: “Approve Resolution directing the County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment; ratifying all actions previously taken; and providing other matters properly relating thereto (the following districts: Washoe County Assessment District (WCAD) 21 - Cold Springs Sewer, WCAD 23 - Arrowcreek Water, WCAD 29 - Mt. Rose Sewer Phase 1, WCAD 30 - Antelope Valley Road, WCAD 31 - Spearhead Way, Running Bear Drive, WCAD 37 - Spanish Springs Sewer Phase 1A) (description of affected parcels contained in Exhibit A of Resolution); and if approved, authorize Chairman to execute Resolution. (Commission Districts 2, 3, 4 and 5.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14G be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**11-25            AGENDA ITEM 14H - SHERIFF**

**Agenda Subject: “Authorize terminating contract with Dr. Michael Haley, pursuant to Request For Proposal No. 2688-09 for Washoe County Sheriff’s Office Pre-placement, Annual and Related Medical Services-Sheriff’s Office Personnel and the Agreement for Employee Medical Services; and if authorized, allow Purchasing and Contracts Manager to award the remaining balance of the contract to Concentra Health Services Inc., and further allow Purchasing and Contracts Manager to exercise Washoe County’s option to extend the contract one additional year commencing July 18, 2011. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14H be authorized.

**11-26            AGENDA ITEM 14I - PARKS**

**Agenda Subject: “Approve Resolution requesting the Bureau of Land Management to transfer Land Patent 27-2005-0084 (Highland Ranch Park) from Washoe County to Sun Valley General Improvement District; and if approved, authorize Chairman to execute the Resolution on behalf of Washoe County. (Commission Districts 3 and 5.)”**

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 14I be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items 16, 18, 19, 22, 23 and 26.

**12:22 p.m.**      Commissioner Humke temporarily left the meeting.

**11-27            AGENDA ITEM 16 – PUBLIC WORKS/ANIMAL SERVICES**

**Agenda Subject: “Recommendation to accept monetary donation to Washoe County Regional Animal Services [\$160,377.05], a bequest from the Estate of Thelma Epper and express appreciation for this extraordinary and thoughtful contribution; and if accepted, direct Finance to make appropriate budget adjustments. (All Commission Districts.)”**

On behalf of the Board, Commissioner Jung thanked the Estate of Thelma Epper for this extraordinary contribution.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 16 be accepted and directed.

**11-28            AGENDA ITEM 18 – WATER RESOURCES**

**Agenda Subject: “Recommendation to approve an increase to Purchase Order 7500000380 with Carson Pump [\$50,000 for Fiscal Year 2010/11 and authorize \$150,000 for Fiscal Year 2011/12 [total estimated expenditure \$300,000 for two years]; and if approved, continue authorization of the two-year sole source designation with Carson Pump for services related to repair of the Department of Water Resources’ various pumping facilities for Fiscal Year 2010/11 and Fiscal Year 2011/12. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 18 be approved and authorized.

**11-29            AGENDA ITEM 19 – WATER RESOURCES**

**Agenda Subject: “Recommendation to approve an early and final payment from the City of Sparks for its share of construction expenses due and owing Washoe County under the Interlocal Agreement for Construction of Stormwater Drainage Facilities within the Unincorporated Spanish Springs Valley [\$2,719,903]. (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 19 be approved.

**11-30            AGENDA ITEM 22 – TECHNOLOGY SERVICES**

**Agenda Subject: “Recommendation to approve a four-year end-user licensing purchase for McAfee End Point Protection - Advanced Suite software [total cost \$126,562] from CDWG. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 22 be approved.

**11-31            AGENDA ITEM 23 – TECHNOLOGY SERVICES**

**Agenda Subject: “Recommendation to approve Technology Services Department to joinder on the State of Nevada contract with Dell Corporation for the purchase of personal computers, monitors and image and patch management software (KACE) with Capital Improvement Project [PW920254] TS Infrastructure funding [estimated total amount \$1,330,000]. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 23 be approved.

**11-32            AGENDA ITEM 26 – RENO AND SPARKS JUSTICE COURTS**

**Agenda Subject: “Recommendation to approve a Software License and Professional Services Agreement between Washoe County (on behalf of Reno and Sparks Justice Courts) and Tyler Technologies, Inc. for the lease, configuration, implementation, enhancement, testing, and training of the Odyssey Case Management System [not to exceed \$1,397,080 - funded with Reno Justice Court’s Administrative Assessment funds], and if approved, direct Finance to make the necessary budget adjustments and authorize the Chairman to execute the Agreement on behalf of the courts. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Jung, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 26 be approved, directed, authorized and executed.

**11-33            AGENDA ITEM 14C(1) – PUBLIC WORKS**

**Agenda Subject: “Approve variance to the requirements of Article 416 of the Washoe County Development Code, “Flood Hazards”, and require the mitigation measures as recommended by staff. (Commission District 2.)”**

Chairman Breternitz asked if there was a requirement or a process in place to record this variance, providing a historical background to show on a future title or deed restriction.

Dan St. John, Public Works Director, did not believe this variance would be recorded in the public record attached to the deed, but the Flood Certificate was a matter of public record, which presumably came out in a title evaluation. He stated it would also be noted on the County's "Permits Plus" system. Chairman Breternitz remarked that a potential homeowner would want to know that the property had been granted a variance. He thought there was a requirement for flood insurance; however, the reason for that flood insurance was not noted in the staff report. Mr. St. John explained that during a sale it would be uncovered that the property was required to have flood insurance as a requirement of the variance. Therefore, any future purchaser would see that requirement and would be able to ascertain that the elevation did not meet the strict interpretation of the Federal Emergency Management Agency (FEMA) requirement.

Chairman Breternitz stated the County should not expect that a future homebuyer would interpret the requirement, and he felt that should be made clear so when a title search was conducted it was apparent that the property received a variance. He asked if there was a method by which these variances were completed and, if the County was held harmless in doing so. Melanie Foster, Legal Counsel, replied there was a method, but only if a Hold Harmless Agreement was executed by the applicant who requested the variance. Chairman Breternitz envisioned a future homeowner blaming the Board for allowing their house to flood.

Mr. St. John suggested continuing the item to allow discussions with Legal Counsel on the best method in which the County would obtain a Hold Harmless Agreement and also to clarify as a condition for granting the variance staff would record a document tied to the deed that would be recoverable during a future title search.

In response to the call for public comment, Jeff Codega, on behalf of the applicant, stated the elevation of the floor was set above the County's required flood elevation. He indicated the applicant had obtained flood insurance and, in addition, added a couple of walls to meet the flood elevation ensuring that a certain portion of the home would be protected. Mr. Codega acknowledged that the applicant would be willing to enter into a Hold Harmless Agreement and would be willing to record a document that the property was subject to flood insurance.

Bob Ackerman spoke in support of the applicant and the variance.

Commissioner Larkin suggested continuing the item until the entire package, including the Hold Harmless Agreement, could be supplied to the Board.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that Agenda Item 14C(1) be continued.

**12:40 p.m.** The Board recessed.

**1:12 p.m.** The Board reconvened with Commissioners Jung and Weber temporarily absent.

**1:13 p.m.** The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District (STMGID). Commissioner Jung returned to the meeting during the STMGID Trustees meeting.

**1:20 p.m.** The Board adjourned as the STMGID Board of Trustees and reconvened as the Board of County Commissioners with Commissioner Weber temporarily absent.

**11-34            AGENDA ITEM 20 – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Introduction and first reading of an Ordinance amending the Washoe County Code Chapter 110, *Development Code*, Article 406, *Building Placement Standards*, to increase the density for Manufactured Home Parks within the Medium Density Suburban (MDS) and Medium Density Suburban 4 (MDS 4) regulatory zones for all areas within Washoe County previously designated Trailer Overlay (TR) zoning and providing other matters properly relating thereto (set public hearing and second reading of the Ordinance for January 25, 2011 at 6:00 p.m.). (All Commission Districts.)”

Amy Harvey, County Clerk, read the title for Bill No. 1638.

**1:20 p.m.** Commissioner Weber returned.

There was no public comment on this item.

Bill No. 1638, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 110, *DEVELOPMENT CODE*, ARTICLE 406, *BUILDING PLACEMENT STANDARDS*, TO INCREASE THE DENSITY FOR MANUFACTURED HOME PARKS WITHIN THE MEDIUM DENSITY SUBURBAN (MDS) AND MEDIUM DENSITY SUBURBAN 4 (MDS 4) REGULATORY ZONES FOR ALL AREAS WITHIN WASHOE COUNTY PREVIOUSLY DESIGNATED TRAILER OVERLAY (TR) ZONING AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Humke, and legal notice for final action of adoption was directed. It was noted that the public hearing and second reading of the Ordinance be set for January 25, 2011 at 6:00 p.m.

**11-35            AGENDA ITEM 24 - FINANCE**

**Agenda Subject:** “Recommendation to acknowledge request from Nevada Commission for the Reconstruction of the V & T Railway of a possible future request for funding and to provide direction to staff regarding same. (All Commission Districts.)”

John Sherman, Finance Director, stated that the Nevada Commission (Commission) for the Reconstruction of the V&T Railway sent a notice to Commissioner Weber that the Commission would meet in February 2011 to determine an allocation of the net cost of the budget of the Commission among the governing bodies participating as members of the Commission. He said the County had provided special purpose grants to the Commission totaling \$273,750 over two fiscal years and added there were no legal requirements to provide the funding that had been requested.

Mr. Sherman said the letter seemed to infer that the Commission had the statutory authority to impose an allocation of costs on the members of the Commission. He indicated that he read the Special Act, Chapter 566 Statutes of Nevada 1993, and discussed the matter with an attorney. In his opinion, Mr. Sherman said it appeared that any cost allocation from the Commission had to be agreed upon by the member agencies. Another feature of the Special Act required the Commission to come up with an analysis or study whereby the Commission did allocate its costs to the member counties based on some benefit.

Mr. Sherman said this item was to give the Board advance notice that the Commission was scheduled to meet in February to determine what costs, if any, were going to be allocated. He had determined these were not construction costs to finish the project, but more of an allocation cost of operation.

Commissioner Weber explained as the County Commissioner who served on the V&T Commission, the discussions with the Commission were to notify the member counties. She stated the Commission was under the assumption that the allocation was an either/or. She said some projects were attempting to be completed and, in order to keep things moving and have the train continue running, financial stability needed to be decided. Commissioner Weber said the Commission was under the assumption that the commitment was there for financial assistance, whether by matrix or formula as derived by the Commission. Mr. Sherman felt the letter left the impression that the member counties were obligated to submit the funding requested by the Commission. In the Special Act there was an array of taxes that could be imposed, which required a positive vote from the voters. Mr. Sherman noted some key phrasing in the Special Act stated that the Commission could allocate those costs, but it had to be upon agreement of the member counties.

Commissioner Weber felt that the Commission was attempting to go to their member counties and say rather than go through the process it would be nice if everyone came to the plate. She asked if it would be possible to go to the Legislative Council Bureau (LCB) since it seemed that each county would have the same comments and concerns. Mr. Sherman clarified that he was not advocating for or against funding, but rather trying to lay out the facts to the Board that were derived from the letter.

Melanie Foster, Legal Counsel, stated Mr. Sherman accurately quoted the statute that required the agreement of the governing bodies for a final determination of an

allocation of cost amongst the participating counties. She said the LCB would not be the legal opinion that would be sought and said that request should be made to the Attorney General's (AG) Office, which may be the appropriate place for the Railway Commission to seek guidance in terms of how the statute could be construed.

There was no public comment on this item.

Mr. Sherman said the item also asked for staff direction and, if it was the pleasure of the Board, he would engage in a discussion with the AG's Office. Commissioner Weber did not feel our staff needed to deal with the Attorney General, but rather the Commission should seek that opinion.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 24 be acknowledged.

### **11-36            AGENDA ITEM 29 – DISTRICT ATTORNEY**

**Agenda Subject: “Discussion and possible approval of and authorization for the Chair to sign a stipulation staying, and if certain conditions are met settling, district court case number CV08-03523, Sally S. Weston et. al. vs. Washoe County et. al., as consolidated with a companion case (CV09-01642) against the Truckee Meadows Regional Planning Governing Board (RPGB). The case is now on appeal before the Nevada Supreme Court in case number 56951 and concerns the county's approval of the South Valleys Area Plan Update--Washoe Valley Portion (Washoe County planning case number CP08-005), on December 8, 2008, as to the Weston's property located within the territory of the South Valleys Area Plan outside the boundaries of the regional plan's Truckee Meadows Service Area (TMSA). The stipulation was crafted during a settlement conference in the Nevada Supreme Court's settlement program on December 15, 2010, and includes terms dealing with zoning, development clustering, TMSA boundary location, municipal water and sewer service, and limitations on the maximum number of units to be developed on portions of the property. (Commission District 2.)”**

Nathan Edwards, Deputy District Attorney, reviewed the background of the case and stated it had arisen from the Board's approval of the South Valleys Area Plan update on December 8, 2008. He said in this case the petition for judicial review challenged the substance of certain aspects of the County's approval of the Area Plan update, especially those dealing with the petitioner's property and its land use designation.

Mr. Edwards said the property involved in the dispute was located within the territory of the South Valleys Area Plan, a component of the Washoe County Comprehensive Plan, and was currently designated Rural Development Area (RDA) in the Regional Plan. He explained that the property was located outside the boundaries of the Truckee Meadows Service Area (TMSA). He said property in the RDA could not be

divided into parcels smaller than five acres, was not served by municipal water or sewer facilities and relied on wells and septic tanks.

In the lawsuit, the Weston's sought a court order re-zoning a portion of the property to Low Density Suburban (LDS) and allowing a clustering of development. He said this would require an amendment to the existing TMSA boundaries to include the northern portion of the property. Mr. Edwards said that the Weston's were also seeking a TMSA amendment from the Regional Planning Governing Board (RPGGB) that would extend the boundary of the TMSA line south from its existing terminus to the line separating the Washoe Valley and Pleasant Valley hydrographic basins, which was located on the Weston's property, in order to eventually accommodate the Weston's desired LDS clustered subdivision to the north of the Hydrographic Basin Line (HBL).

Mr. Edwards indicated that settlement discussions had continued throughout the case; however broke down earlier in the year. He said those breakdowns led to the RPGGB and the petitioner's entering into their own purported settlement of the case on February 11, 2010 on terms that had been rejected by the County Commission during their February 9, 2010 meeting. He said the RPGGB then filed a motion with the District Court seeking an order approving the settlement. He said that order would have imposed the terms of the settlement on the County via the Regional Plan despite the County's rejection. Because the County believed the terms of the settlement between the RPGGB and the petitioner exceeded the RPGGB's jurisdiction, the County opposed the motion. Mr. Edwards indicated the County's objections were based on clustering, number of units, and zoning on the petitioner's property.

Mr. Edwards stated the District Court overruled the County's jurisdictional objections and approved the settlement, prompting first a motion for reconsideration by the County, which was denied, and then an appeal by the County to the Nevada Supreme Court. He said once in the Supreme Court, the case was assigned to William Patterson Cashill. Mr. Edwards said on December 15, 2010, representatives of the parties to appeal participated in a settlement conference. As a result, a new stipulation to settle the case had been prepared and brought before the Board.

Mr. Edwards remarked that the stipulation included key changes to the disputed stipulation between the RPGGB and the petitioners that prompted the County's appeal to the Nevada Supreme Court. He said the settlement conference stipulation being considered would stay the proceedings to allow the location of the Washoe Valley/Pleasant Valley hydrographic basin boundary to be determined and to allow the petitioner's existing TMSA boundary amendment application to be processed by the regional planning authorities. He said if the TMSA application were granted, it would result in a settlement and dismissal of the case among the RPGGB, Washoe County and the petitioners on specified terms. He said those terms would result in corresponding changes as appropriate to the Regional Plan, the County's Master Plan and the County's zoning designations that would leave in place the current MDR land use designation as to the entirety of the petitioner's property, clarify that future zoning changes would be subject to the legal process applicable to ordinary zoning changes, limit development north of the

HBL to a maximum of 112 units, clarify that Regional Plan RDA restrictions would not apply north of the HBL and allow subject to a future discretionary approval process, clustering of units north of the HBL those units would be serviced by municipal water and sewer services. He commented under the stipulation the parties would bear their own costs and attorney's fees, and the petitioner's claims for damages would be dismissed along with the rest of the case.

Mr. Edwards also noted that involved in this case was the West Washoe Association. He said the District Court granted the Association intervenor status. The order granting the Association intervenor status specifically provided that the Association's intervention shall not empower the Association to override or interfere with County or RRGB powers and decision-making abilities in the realm of land use planning.

Mr. Edwards recommended the Board approve and authorize the Chairman to sign the stipulation and, if certain conditions were met, settle District Court Case No. CV08-03523. He commented that the case was now on appeal before the Nevada Supreme Court concerning the County's approval of the South Valleys Area Plan update – Washoe Valley Portion. He said the stipulation crafted during the settlement conference included terms dealing with zoning, development clustering, TMSA boundary location, municipal water and sewer service, and limitations on the maximum number of units to be developed on portions of the property.

Commissioner Humke asked for clarification of the potential operation of paragraph 3 in the stipulation. Mr. Edwards replied if the TMSA amendment was not approved, the County would return to Judge Steven Kosach, who heard the case in District Court, for a status conference to hammer out a briefing schedule. Then brief the subsidence issues in the case so Judge Kosach could make a decision on whether the County's original decision and RRGB's subsequent finding of conformance were based on substantial evidence.

Rosanna Coombes, RRGB Director, said there was a process at Regional Planning regarding how TMSA amendments would occur. There it loosely referred to the potential of any jurisdiction to amend its portion of the TMSA as "buckets" and, based on future population, were certain limitations on how much each jurisdiction could expand. She said for any future amendments that would occur above and beyond the request currently in front of the RRGB in relation to the Weston matter, Washoe County would be bound by those restrictions. At the moment, the sum total of available expansion could be about 200 acres. Ms. Coombes said this particular amendment originally arrived for the entire section of land, but since restrained the petitioner's section of land. She said it was understood through the settlement process that the petitioner would resubmit a revised version of the original application that would constrain the request to no further south than the HBL. At that point, the application, once processed, would close this particular case. Ms. Coombes explained any additional requests from any property owner as related to expansion of the County's portion of the TMSA would be subject to that limitation of a sum total of 200 acres for the entire County.

Commissioner Humke asked if the 200 acres in the Washoe County “bucket” was before or after the approval of the Weston case. Ms. Coombes explained there were a number of applications that came on early. She said all of those applications were “grandfathered” before a process was established and put in place within the Regional Plan. She indicated the Weston application came in under that grandfathering so their application of 600 acres would not withdraw anything from the 200 acre bucket. However, from this point forward any subsequent applications would draw from that bucket. She said the application that would be resubmitted, consistent with the settlement agreement language, would only be for the portion of the property north of the HBL. Commissioner Humke said a Record of Survey had been performed and the HBL had been determined. Ms. Coombes understood that process had occurred, but noted documentation had not been received. Commissioner Humke asked if there was an estimate on the number of acres north of the HBL. Ms. Coombes stated she could research the specific numbers, but by memory stated approximately 200 acres. Commissioner Humke asked if the “bucket” referenced the early Weston application at the section amount and, if the 400+ acres were still available. Ms. Coombes stated those 400+ acres were not available and that difference would be deleted from the grandfathering.

In response to the call for public comment, Betty Hicks stated that the representative from Washoe Valley was not invited to the settlement conference on December 15, 2010. She said the voices of the citizens of Washoe Valley were not included in the negotiations and requested the Board reject the stipulation.

Bob Rusk stated once the judicial process began the citizens were left out. He referenced sections in the stipulation and asked how the citizens could be sure that the TMSA could not be moved south. Mr. Rusk suggested reviewing the Record of Survey to view where the HBL was located.

Tom Hall, attorney for West Washoe Association, indicated the Association had filed a motion to intervene in a judicial process, which was granted allowing the Association a seat at the table. He said when the RPGB approved the settlement an appeal was taken to the Nevada Supreme Court because the appeal dealt with a jurisdictional issue of the authority. He said because there was a statutory interpretation, the West Washoe Association did not join in that appeal. Mr. Hall stated that he attended the first settlement conference and was informed it may be a good idea to negotiate the entire case again and settle the case in that matter. Mr. Hall explained because the Association had not filed a notice of appeal they were excluded from participating in the settlement conference held on December 15, 2010. He commented that the original application requested 300 units with a range of proposals and the Board adopted 112 units for the entire 640 acre parcel. He said the version approved last year stated that density was not the issue and those 112 units were only on the north half of the property. He said now there was the provision for 112 units on the north and no restriction on the south. Mr. Hall did not agree with the assurance that 112 units were the maximum on the north and no limits on the south. He requested the Board reject the stipulation.

Monika Frank asked the Board to support the vision of the Washoe County community and the Area Plan. She said the settlement was based on trust, but biased toward regional government urban interest and said the County was the citizen's only voice. She urged the Board to reject the settlement.

Commissioner Humke remarked it had been eluded to that representatives were excluded from the settlement process. Mr. Hall agreed that the process was flawed. Commissioner Humke said it had been stated that there was appeal of record from the West Washoe Association, but the cost of having a voice in the settlement would be to hire counsel and submit an appeal at the appropriate time. He asked if that was the available remedy. Mr. Hall replied that was correct. He said there was a remedy to file a notice and agreed it was an economic issue. Mr. Hall stated when the issue was narrow as to whether the County or the RPGB had the right to zone property, he thought that was a statutory interpretation best fought by the County. He did not know that the parties to the appeal would change the jurisdictional issue and explained that was where the Association was left out. Commissioner Humke asked if that was an appealable issue. Mr. Hall said it could be appealable if the Association went back and only litigated the issue under the appeal notice.

Commissioner Humke understood that Judge Kosach made an incorrect statutory interpretation and, at the expense of Washoe County, that interpretation granted too much authority to the RPGB in making zoning decisions. He asked Mr. Hall if he had ever seen Regional Planning derogate the authority of the other two members of regional planning as they had in this case. Mr. Hall said he had not seen that in his experience.

Mr. Rusk added if this stipulation were rejected and moved forward to the Nevada Supreme Court, he would rely on Chief Justice James Hardesty to be fair because he was the District Court Judge that oversaw the lawsuits that involved which way the County wanted to go and which way the City of Reno wanted to move. Along the way that was apparently changed to what was now before the Board. Mr. Rusk said concurrency was the issue and that was not being considered.

Commissioner Weber said she was the representative at the settlement conference and felt this was a good process. She understood what their job was and that there were rural communities and understood that rural mentality.

Attorney Norman Azevedo indicated he was present at the settlement conference on behalf of the RPGB. He explained there were additional facts; however, he had not had the opportunity to advise the RPGB as of yet. He remarked that Judge Kosach had entered a second order; the County, in addition to filing a notice of appeal, filed a motion for reconsideration that addressed the concerns over zoning, and said District Court affirmed the authority for Regional Planning to enter into the settlement agreement. Prior to the settlement process beginning, he said there was a conference initiated by Mr. Cashill to have all parties participate. He said at that time Mr. Hall was present and Mr. Cashill indicated that if Mr. Hall, on behalf of the West Washoe

Association, wanted to participate it was incumbent upon Mr. Hall to file a motion to intervene with the Supreme Court. That never occurred, which was why the process moved forward in such a manner. As to the substance of the settlement in conjunction with the Washoe County District Attorney's (DA) Office, representatives and others, Mr. Azevedo said there was careful consideration given to ensure that jurisdictional lines were not blurred and that the local planning process and the regional process was preserved. He said it was important that any increase in density or intensity of land use would require a public process.

Commissioner Jung clarified that the Judge who initially heard this erred twice in his interpretation of the jurisdictional authority in land use planning for the RPGB. She said when this was taken to the Supreme Court it was determined that the RPGB could not usurp the authority of the local governments, thereby making the Cities of Sparks and Reno, Washoe County, Planning Commissions and Community Development Departments irrelevant. Mr. Azevedo stated Judge Kosach entered his first order, which was before the District Court and was a motion to approve the settlement between the RPGB and the property owners. Commissioner Jung said the order stated that Washoe County did not have a role to play and the RPGB could overturn the Board's decision. Mr. Azevedo said he would characterize the order as the District Court Judge reviewing the terms of the settlement agreement that existed at that time. The Judge determined the provisions of that settlement agreement were within the jurisdiction of the RPGB and that Board had the authority to execute the settlement. He said when the appeal was filed, within that District Court order, there was a reference to a planning statute that the County took exception, since it referenced zoning. He said from the RPGB's perspective they did not involve themselves in zoning. Subsequent to the rendering of the first order and before the settlement conference on December 15, 2010, the District Court filed a second order in response to a motion filed by the DA's Office, on behalf of the Board, asking for reconsideration. He said because Regional Planning opposed that motion, District Court entered an order right before the settlement conference. The District Court clarified the previous order, removing the reference to the zoning statute and said they had the authority and approved the settlement agreement. He said to characterize both orders, the District Court on two separate instances said that the RPGB had the authority to enter that settlement as the topics contained in that agreement were within the jurisdiction of the RPGB.

Ms. Coombes said when the matter came before the RPGB for conformance review the original South Valleys Area Plan included a zoning designation of MDR on the entire property. She stated that was not in conformance with the Regional Plan, and the beginning of this process. She said the settlement agreement would distinguish what could happen north of the HBL and what could happen south of the HBL. Specifically, south of the HBL there would be no impact to what the County had already approved and sent to Regional Planning for a conformance review. In terms of development, any decisions would be between a developer and Washoe County.

Mike Carrigan, RPGB Chairman, stated he was present during the settlement conference. He said he was in full support of the settlement agreement,

separating the two powers and giving the County Commissioners and the RPGB their rights under the law. He said if this stipulation were rejected it would go forward to the Supreme Court with the previous settlement agreement, which took away some of the Board's power and a stipulation in the original agreement that above the HBL it would be clustered at 112 units. This settlement agreement gave the Board the opportunity to say clustering was not wanted and placed the onus on who decided to develop the area to explain why it needed to be clustered and why 112 units were needed.

Commissioner Larkin asked if this stipulation was consistent with the settlement agreement specified in 2002, 2006, 2007 and the overview in 2008. Mr. Carrigan stated in his opinion this was consistent.

Commissioner Jung remarked if the Board approved the stipulation, the loop was closed, based on the RPGB also accepting the stipulation, and essentially the case would be closed. If the Record of Survey came in and TMSA was changed, would the ability be there to reopen the case. Mr. Edwards said that was correct. This hinged on the location of the TMSA boundaries, based on the Record of Survey, so if that survey returned extending the HBL further south then contemplated, the RPGB would take that into account when considering the TMSA. He said there was nothing that the Board could do to prevent Regional Planning from approving the TMSA amendment. He said if the HBL were established south of where it was contemplated and RPGB approved an extension to that HBL, the settlement agreement would still be in affect. An additional benefit to the County would be that the 112 unit limitation would extend further south on the property.

Commissioner Jung asked if it were true that a TMSA could have further density or growth. Mr. Edwards replied the TMSA boundary was meant to inform the community where the more intense development was slated to occur.

Commissioner Humke asked if the actions of the Courts in Nevada were subject to the Open Meeting Law. Mr. Hall did not know that answer and stated this was a settlement conference and the Association was omitted because an appeal was not filed. Commissioner Humke clarified the Courts were not subject to the Open Meeting Law. He asked if the Courts allowed citizens to appear pro-per or pro-say or must they have attorney representation. Mr. Hall replied the Association made the motion to intervene and were granted that on a limited basis. He did not believe a pro-per person could make a motion to intervene.

In summary, Mr. Edwards recommended the Board approve the signing of the stipulation. He said the scope of the appeal was Judge Kosach's approval of the settlement, not erroneously based on the zoning statute. He said Judge Kosach had since denied the County's motion to reconsider and noted that Judge Kosach had acknowledged the error in the motion. From a practical standpoint, he said the order made it difficult for the County to prevail in the appellate process. In regard to exclusion from the settlement process, Mr. Hall was present at the pre-settlement conference to arrange the parameters for the actual settlement conference and was notified that if the

West Washoe Association wanted to be involved in the appellant process their intentions needed to be filed with the Supreme Court. Mr. Edwards stated he spent five months writing a motion to dismiss the case and firmly believed what the County originally did was supported by substantial evidence and would have prevailed. Judge Kosach approved a stipulation between the RPGB and the Weston's which took many issues out of the County's prerogative. It also removed the fight away from the original front. Mr. Edwards said now there was a twice-approved settlement agreement, which in his opinion was not a good one from the County's standpoint and the planning jurisdiction because it took away zoning and clustering issues and he felt that was harmful to the County's interest. He said there were five provisions in the settlement that the County rejected, but were approved by the RPGB that prompted the appeal. Of those five provisions, there were three that the County needed to take issue. He said of those three issues the County had received concessions that protected the County's interest on two.

Commissioner Humke said Mr. Edward's closing remarks were significant on how this had taken shape and felt there could be a positive outcome at the Nevada Supreme Court.

Mr. Edwards noted that the Record of Survey process would be taken to the State Engineer and recognized, then brought to Regional Planning. He said it would be stayed for a period of 90 days from this date or until April 30, 2011, whichever was later.

Commissioner Humke moved to not enter into the stipulation. Commissioner Jung seconded the motion. The motion failed with Commissioners Breternitz, Larkin and Weber voting "no."

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried with Commissioners Humke and Jung voting "no," it was ordered that the Chairman be authorized to sign the stipulation staying, and if certain conditions were met, settling District Court Case CV08-03523.

#### **11-37            AGENDA ITEM 32 - APPEARANCE**

**Agenda Subject: "Randi Thompson and Mary Simmons, Washoe County's Appointees to the Reno-Tahoe Airport Authority Board of Trustees. Update on airport matters, including but not limited to general aviation; discussion and direction to staff regarding the legal status of the Reno-Tahoe Airport Authority, the confidentiality of the compensation package of the Chief Executive Officer and other management officials of the Reno-Tahoe Airport Authority, and the role of the Authority Trustees vis a vis the appointing authority, i.e. the Board of County Commissioners; and discussion and possible action regarding a public records request for compensation information on the Chief Executive Officer and management officials and a possible request for resignation by the incumbent Washoe County appointees (requested by Commissioner Larkin). (All Commission Districts.)"**

Mary Simmons, Reno-Tahoe Airport Authority (RTAA) Board of Trustee, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted Airport projects, corporate aviation developments, Reno-Stead Airport improvements, Million Air Fixed-Based Operator (FBO) status, general aviation at the Reno-Tahoe International Airport (RTA), West Coast airport comparison, airline cost per enplaned passenger, air service, accomplishments and upcoming projects.

Ms. Simmons addressed the recent increase in salary for Krys Bart, Reno-Tahoe Airport Chief Executive Officer (CEO). She stated when she first joined the Board in 2007 the CEO, staff and the Board were all engaged in and focused on cost reductions and ways to ensure the long-term financial success of the RTA. At that time costs were cut and staff was reduced. She said in 2009 and 2010, after costs and staff were reduced, there were no increases for the employees; Ms. Bart included. She indicated that Ms. Bart had earned a bonus last year; however, asked that bonus not be paid. Ms. Simmons said beginning July 1, 2010, Ms. Bart was given a 3 percent increase, which was included in the budget, applicable for 18 months and in late 2011 and late 2012 a 2 percent increase was anticipated to be provided. Since she had been a part of the RTAA, there had been two salary and benefit surveys that indicated Ms. Bart's salary was in an acceptable range. Ms. Simmons noted that longevity pay was not provided to employees nor was post-retirement medical benefits; however, programs were created that an employee could take some of their pay and use that to contribute monies enabling them to provide themselves with those services.

Ms. Simmons addressed the issue brought forward to the Board that concerned whether the RTAA was a public entity and whether the compensation package of the CEO was subject to public disclosure and, if it was not, the legal authority for maintaining that information as confidential, and the scope of authority of the RTAA, and what accountability the members had to the entities that appointed them. It was concluded that the RTAA was a public entity, one that was uniquely created and charged with a specialized set of responsibilities, as opposed to the broad powers and responsibilities given to general units of government like cities and counties. The Airport Authorities treatment of the Board of Trustees as a public body bound to comply with the requirement of the Open Meeting Law (OML) would lead one to think that the RTAA believed itself to be a public entity.

In response to the call for public comment, John Howitt, explained the definition of a Trustee. He said the RTAA Trustees were supposed to run the RTA for the benefit of the citizens of Washoe County, not for the benefit of a selected employee. He said like most government agencies the RTAA had a monopoly of the provided services, but were exempt from federal, State and local taxes. He said Federal Aviation Administration (FAA) records indicated that the RTA was publicly owned. He pointed out that General Aviation had been devastated at the RTA, down nearly 60 percent since the RTA had taken over servicing and closing General Aviation facilities. He asked if a CEO deserved a pay and benefit package that exceeded the community standard and the standard for other airport executives.

Jack Suierveld spoke in favor of the RTAA. He said he found the airport system to be supportive of his business and General Aviation as a whole.

Jack Oliver commented as a new resident he looked forward to the General Aviation facilities at the RTA; however, became as stressed as other General Aviation pilots when he saw that those facilities were being closed. He said he was provided with information on the budget that showed the RTAA had some problems in the past. He said the increase in the budgets was relatively modest, but noticed that the CEO and President's budget went from three people to two people, yet their salaries stayed relatively the same at a 3 percent increase.

Tom Hall said he had incorporated an Association called the, "Stead Airport Users Association" approximately 13 years ago and stated that meetings were held once a month with the RTAA. He said since that Association had been in place, communication with the RTAA and the tenant base had improved. He stated when Ms. Bart arrived, she employed a manager for the Stead Airport which resulted in a good relationship. Mr. Hall felt there was no need for criticism and felt the administration needed praise for their accomplishments, especially concerning the Stead Airport.

Corrin Keck expressed her concern over the process. She felt it was inappropriate that this appearance was scheduled when RTAA Chairperson Randi Thompson was unavailable.

Norman Dianda spoke in support of Ms. Bart. He said the largest challenge was looking to the future and addressing the replacement for Ms. Bart when she retired in three years. He stated the four important aspects to consider for her replacement were: the vision of Ms. Bart; the ability to manage and control the Airport operations; the relationship with the airlines; and, the relationship with Washington D.C. concerning funding. He said the biggest concern was what was going to be done in the community to continue growth and have an economy that put people back to work. Mr. Dianda said over the past few years the RTA had employed many people in the construction industry.

John Madole applauded the efforts of the RTAA and found the presentation to be enlightening.

Brooks Mancini, RTAA Trustee, reiterated several issues from the presentation. He said since Ms. Bart's tenure with the RTA, \$237 million had been received in FAA grant funding and \$12.6 million in Transportation Security Administration (TSA) grant funding. He noted that the RTA had twice been recognized by the Airport Transport Research Society as being the fifth most efficient Airport in North America.

Thomas Gribbin addressed and discussed the beneficial relationships built through the RTA with Ms. Bart at the helm. He said Ms. Bart was a strong leader and felt

she was the most strategic thinking airport executive he had ever met. He stated his support for the RTAA's Compensation Committee.

Perry DiLoreto did not disagree with anything he heard in this discussion. He stated that using the logic of being successful and doing a good job was no substitute for lack of transparency and open government. He asked the Board if the RTA was a public body and if Ms. Bart was a public official.

Todd Bailey agreed with the comments from Mr. DiLoreto.

Commissioner Larkin thanked Ms. Simmons for her service on the RTAA; however, said there were several issues not addressed in the presentation. He inquired about the Civil Air Patrol and the status of the Civil Air Patrol's application for residency at the RTA. Ms. Simmons apologized and indicated she did not know that was a topic to be addressed, but would return to the Board with that information. Commissioner Larkin remarked that the Board had seen this presentation in the past, and noted of the 22 slides presented, only three dealt with General Aviation. He commented that over 50 percent of the operations at the RTA were General Aviation. Commissioner Larkin applauded the efforts to form the subcommittee for General Aviation; however, General Aviation participants were not invited to participate in that subcommittee. He felt that the openness and transparency was not seen nor was the RTAA forthcoming with release of information. Ms. Simmons replied that all decisions concerning General Aviation had been made in public meetings which followed the OML. She did not believe that General Aviation was being discriminated against since there were grants that stated as such. She indicated there were policies in place stating non-discrimination that followed FAA guidelines. She said a question was brought forward by General Aviation concerning the correct definition for General Aviation and they felt that definition should be taken from a handbook that they wanted the RTAA to adopt. After examination of the handbook, Ms. Simmons found it to be simply a guide to determine whether there was discrimination and noted the RTAA Trustees wished to follow a non-discriminatory policy. She said also discussed in public was the development of General Aviation and whether it belonged on the entire RTA or in specific areas. Ms. Simmons said it was decided that a policy would be implemented to develop General Aviation on the east side of the RTA and noted people from General Aviation were included in those discussions and not one had disputed that location on the east side.

Ms. Simmons said another item discussed was the reversion clause. She questioned when facilities were built for General Aviation, did they want those to be reverted back to the RTA. The answer was yes, and whether the reversion clause should be for 30 years or 50 years. She stated there were still some issues that needed to be addressed as far as development since that had not been decided as to what was available for General Aviation. Ms. Simmons indicated that would not be decided in private and noted that the subcommittee only brought information to the public meetings to discuss. Commissioner Larkin asked who sat on that subcommittee. Ms. Simmons stated four RTAA Trustees sat on that subcommittee.

Commissioner Larkin remarked that was part of the issue since RTAA Trustees were not elected, but appointed and represented the Board, who in turn represented the people who came before the Board to state they were being excluded from the process. He said it was public opinion that while commercial aviation was robust and growing, it appeared to be at the expense of General Aviation where disinvestment and non-investment was seen. He asked what the attitude was in relationship to the exclusionary implications and the public versus non-public. Ms. Simmons stated she was not trying to be exclusive of the issues. She said she had not thought about asking any of the General Aviation community to be on the subcommittee. She thought the issue concerned whether the RTAA Trustees were reaching out to receive information and understand General Aviation issues in order to make a policy that would be acceptable for the entire community.

Commissioner Humke said the presentation noted that 70 percent of the revenues were non-airline generated. Ms. Simmons stated that was correct. Commissioner Humke said there was praise for Ms. Bart about federal grants that she had generated and asked what was the source of those federal grants. Ms. Simmons replied those grants came from the federal government and from taxes. Commissioner Humke asked if landing fees were a tax. Ms. Simmons said she considered the landing fees as a use for the airport but not a tax. Commissioner Humke asked why Ms. Bart was not available for this appearance. Ms. Simmons explained that Ms. Bart was attending a conference.

Commissioner Humke said Commissioner Larkin brought up several issues and stated that many people in the community believed that the RTAA Trustees had been tone deaf to certain issues, such as treatment of the public and whether the RTAA was a public entity, or whether it was private or corporate. He commented in terms of General Aviation versus Commercial Aviation and how those were treated and said he was persuaded on improving the situation at the Stead Airport for General Aviation. He said he saw an unevenness in management of the RTA and noted some things were done exceptionally well; however, others were done not well at all. Commissioner Humke said by omitting the public from the contracting process of the CEO and giving what the public perceived as lavish pay increases when the economy of this local service area was extremely down, was considered to be inappropriate.

Commissioner Jung asked what was the major revenue source for personnel costs. Ms. Simmons replied airline fees, and concession fees. Commissioner Jung inquired on the effective date for Ms. Bart's retirement. Ms. Simmons stated that effective date was the end of 2013. Commissioner Jung stated because of the current situation with the RTA, such as major renovations and capital expenditures, the RTAA Trustees decided it was in the best interest of the financial well-being of the RTA and the guidance of the RTA to retain the existing CEO. Ms. Simmons stated that was correct. She added that was a major consideration for the RTAA Trustees, and to have the leadership of Ms. Bart.

Commissioner Jung commented that she respected Ms. Simmons' service to the RTAA. In meeting with representatives of General Aviation who were part of the RTA, the RTAA Trustees recommended that some missteps had occurred in terms of how General Aviation perceived their treatment. She appreciated that there was now outreach and inclusionary instead of exclusionary. Commissioner Jung hoped this would be a turn towards more cooperation and more public deliberation and outreach. She commended the RTA as the only generator of economic development in northern Nevada that positively impacted construction, one of the hardest hit industries during the recent recession. She said she was working closely with the RTA and with the Regional Jobs Team. She noted that Ms. Bart would be presenting to that team regarding future plans of the RTA and what could be completed as a region to continue the recovery. Commissioner Jung said she was concerned about missteps, especially with General Aviation, but there was a commitment to becoming more transparent and collaborative. She was concerned that in three years the RTAA Trustees would need to replace Ms. Bart who was widely respected in the airport community and was concerned that the public rancor that existed may dissuade applicants for that position.

Chairman Breternitz disclosed that he was contacted by several individuals in regard to this issue. He said in this type of specialized environment he was aware that the identification of a candidate for possible replacement was not an easy task and hoped that process would begin soon.

Commissioner Weber disclosed that she had conversations with several individuals on this topic. She appreciated all of the comments, but felt that the legal status of the RTAA on whether it was a public entity had been omitted.

John Sandi, Jones-Vargas Law Firm representing the RTAA, remarked that the analysis concluded that the Executive Director was not a public officer as defined in Nevada Law and clarified by the Chairman of the Committee for Senate Bill 267. He said there was some dispute over that, but he would be willing to meet and discuss that issue to reach a resolution. Mr. Sandi indicated that the OML was followed in all respects.

Commissioner Weber said this needed to be returned to the Legislature and needed to be open and transparent. She did not believe that the general public had the ability to have input or hear the discussions. She felt that the RTAA did not hear what their constituents were telling the Board and felt it was a matter of accountability. Commissioner Weber questioned the confidentiality of the compensation package and asked if that was truly confidential. Mr. Sandi understood that if you were not a public officer it was confidential. He said when that was requested it was made public by the RTAA Trustees and added all meetings were open and public. Commissioner Weber hoped in the future that a process could be implemented for accountability as appointments were made to all boards and commissions.

Commissioners Jung and Humke disclosed that they had spoken to individuals concerning this item.

Commissioner Larkin moved that the Board of County Commissioners make a public records request for the compensation information of the CEO and management officials of the RTAA. Also, to continue this item to when the records request was received and when RTAA Chairperson Randi Thompson's schedule permitted an appearance, but no later than the last meeting in February 2011. Commissioner Humke seconded the motion.

Melanie Foster, Legal Counsel, asked if there were any parameters placed around the request for salary information on management officials. Commissioner Larkin replied the top 25 percent of management officials.

On call for the question, the motion passed on a 4 to 1 vote with Chairman Breternitz voting "no."

**4:26 p.m.** Commissioner Humke temporarily left the meeting

**4:27 p.m.** Commissioner Larkin temporarily left the meeting.

**11-38 AGENDA ITEM 27 – SENIOR SERVICES**

**Agenda Subject: "Recommendation to accept the Senior Services Department staff report on their Foreclosure Mitigation Programs; authorize Chairman to execute a Housing Credit Counseling Participation Agreement between the County of Washoe (on behalf of Senior Law Project) and Nevada Affordable Housing Assistance Corporation for the Hardest Hit Foreclosure Mitigation Counseling Program; authorize issuance of an Invitation to Bid for staffing the project from temporary staffing agencies; authorize transfer of up to \$63,500 in contingency funds; direct Finance to make appropriate budget adjustments; and, authorize Senior Services Department to seek contributions to the project. (All Commission Districts.)"**

Grady Tarbutton, Senior Services Director, said the Senior Services Senior Law Project had been conducting foreclosure mitigation for over two years. He said over 2,000 citizens had been counseled in workshops or on a one-to-one basis. He indicated 270 foreclosures had been prevented making the project successful. Mr. Tarbutton said the Nevada Affordable Housing Assistance Corporation (NAHAC) had offered the Department a contract through December 30, 2012. He said the Senior Services Department would provide housing counseling to homeowners that could benefit from NAHAC's "hardest hit" programs. He indicated that the NAHAC sought to provide relief for up to 743 Washoe County homeowners through this and contracts with other agencies under the following programs:

- 1st Mortgage Principal Reduction Program
- Second Lien Relief Program
- Short-Sale Acceleration Program

Mr. Tarbutton indicated that based on performance during a similar project the Department projected that it would earn \$200,000 in grant revenue during the duration of the project, serving about 389 homeowners. NAHAC would pay the County for each homeowner served a “fee for service” model, and a one-time payment of \$25,000 for administrative costs. However, NAHAC could not project the actual number of clients to be served, and would provide funding for as long as these one-time federal funds were available. Mr. Tarbutton stated that the contract did not guarantee a funding amount and NAHAC retained the option of providing the County notice to terminate before the actual end of the contract.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioners Larkin and Humke temporarily absent, it was ordered that Agenda Item 27 be accepted, directed, authorized and executed.

**11-39            AGENDA ITEM 28 - FINANCE**

**Agenda Subject: “Acknowledge and acceptance of the Organizational Effectiveness Committee report and recommendations on core service definition and budget prioritization and provide staff direction on how to apply in the Fiscal Year 2011-12 budget. (All Commission Districts.)”**

Darin Conforti, Budget Manager, said the Organizational Effectiveness Committee (OEC) conducted a fundamental review of the County’s resource allocation process and recommended that the County adopt a budget prioritization method that simplified prioritization into three categories: core services; non-core services; and, services in transition (which could be core or non-core services). He said the OEC recommended that a definition of a core service be, “a core service was central to fulfilling the Board’s mission of making Washoe County a safe, secure and healthy community.”

Mr. Conforti said the OEC offered to establish a subcommittee that would review services and make recommendations as to what should be prioritized for continuation and what might be discontinued.

**4:37 p.m.**        Commissioner Humke returned to the meeting.

Katy Simon, County Manager, clarified that staff was not asking the Board to make a definitive decision about the tiers to be used.

Chairman Breternitz believed if a baseline were reached to what the form of government would be in a worse-case scenario, the core services would be dealt with at that point. He felt it would be good to encourage the OEC to participate since it may be information that the Board would use for a planning process.

Commissioner Jung agreed with the comments made by the Chairman. She felt it was imperative that there was a dedicated group to vet these issues and have the benefit of community business leaders that were finely tuned to the issues.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Larkin temporarily absent, it was ordered that Agenda Item 28 be acknowledged and accepted.

**11-40            AGENDA ITEM 25 – HUMAN RESOURCES**

**Agenda Subject: “Acknowledge receipt of the report on best practices and approaches to Chief Executive performance evaluations and provide possible direction to staff regarding same. (All Commission Districts.)”**

Katey Fox, Human Resources Director, said the process used to conduct the annual evaluation of the County Manager had been based on the incumbent County Manager’s contract, driven by parameters of the Nevada Open Meeting Law, and shaped by the Manager’s professional experience and input. She stated during the recent County Manager’s evaluation, the Board raised a number of questions regarding the process used to gather feedback and conduct the evaluation, expressing interest in exploring processes used by other organizations.

Ms. Fox indicated that a two-pronged approach was taken by staff, first completing a literature review of best-practices for high level performance evaluations in the public sector. Then information was solicited from Human Resource professionals within 10 public and private sector entities in northern and southern Nevada. She said based upon the review of the literature and the data collected from organizations, it was determined that the evaluation process used for the County Manager met or exceeded comparable benchmarked practices. Ms. Fox reviewed the common themes and best practices and the emerging trends and opportunities.

Commissioner Jung believed this item came about under the annual evaluation of Sierra Fire Protection Chief Michael Greene and complaints received from business professionals. She said the only concern she had about the Manager’s evaluation was that it was transmitted through the Community Relations Department.

Katy Simon, County Manager, explained during her evaluation a discussion arose on the comparison between the evaluation process for the County Manager and the Fire Chief. She said staff was directed to research best practices and to seek other practices that were better. Ms. Simon stated the proposal was to give staff guidance about what executive process would be used by the Board to evaluate executives that report to the Board.

Chairman Breternitz said the Board evaluated staff on their accomplishments. He said the best practices review was based on accomplishments of strategic goals and felt that was an important issue. Ms. Simon said the Manager's evaluation did include a report on strategic goals and the Board was provided that information and an update on the Manager's project report that showed the projects the Manager was accountable for and tied to the strategic plan. She said the distinction in the staff report was that there was not a specific performance plan for the Manager as there was for other departments.

Ms. Fox concurred with Ms. Simon in terms of reviewing best practices. She said the Manager took the County's strategic plan, specific issues identified within that Plan and reported them back to the Board as part of the annual evaluation process. She said from the perspective of Human Resources it was believed that the cascading of goals from the Board to the County Manager was occurring via her evaluation process.

Chairman Breternitz recalled that the evaluation was conducted in that fashion, but he felt it was odd that was not noted in the staff report.

**4:55 p.m.** Commissioner Larkin returned.

Chairman Breternitz said in other evaluations he had been a part of, the feed back was returned to a third party. He said there was a point of discussion that having the information go to an employee who reported to the County Manager offered a certain appearance. Ms. Fox said a review of the literature was done and specifically reached out to the International City/County Management Association (ICMA) who stated a number of the managers handled their annual performance evaluation review informally or via their board or council. She said it was found that ICMA agencies used an outside consultant to assist with the evaluation process and those boards or councils that used that process reported that even when there was an excellent council/manager relationship, the evaluation process was one of their most difficult tasks. She reported some councilmember's, not experienced in evaluations in the public, appeared to be more comfortable using a trained third party facilitator.

Chairman Breternitz explained with the Reno-Sparks Convention and Visitors Authority (RSCVA) all the comments were received by the Chairman. The Chair then summarized the comments and distributed them to the other members, with no additional costs. He stated he did not want a third party to manage the process, he just commented on the data as received and having transparency.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 25 be accepted.

**11-41            AGENDA ITEM 37 – CLOSED SESSION**

**Agenda Subject: “Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.”**

**5:00 p.m.**        On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that the meeting be recessed to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**6:27 p.m.**        The Board reconvened with Commissioners Humke and Larkin temporarily absent.

**11-42            AGENDA ITEM 34 – BUILDING AND SAFETY**

**Agenda Subject: “Second reading and adoption of an Ordinance amending Chapter 100 of the Washoe County Code by adding thereto a provision increasing fees for various building permits, including general building permits, other inspection and permit fees, and plan review fees, and providing other matters properly related thereto. (Bill No. 1636). (All Commission Districts.)”**

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

Buzz Harris, Associated General Contractors, said there had been several meetings with staff to discuss the fee increases and noted at this time a perception of increased fees did not come across favorably. He said it was understood why the increases were being requested, and he had no objection to that; however, it was the perception of the increased fees attempting to keep the construction industry moving and keeping people employed.

The Chairman closed the public hearing.

Commissioner Weber stated she had the same concerns about the increase in fees. She said after attending Citizen Advisory Board (CAB’s) meetings, she agreed there was public perception that these increases were only to keep certain individuals working. Commissioner Weber said since this was not a large increase, could the fees be left the way they were for the time being.

**6:30 p.m.**        Commissioners Humke and Larkin returned.

Commissioner Jung asked if this was an enterprise fund. Don Jeppson, Building and Safety Director, stated this had been an enterprise fund since 2001. He explained that the Department faced an annual loss of \$200,000 and had survived by a reduction in staff. He added last year staff had been reduced from 26 employees to 13 employees and voluntarily went to a 32 hour work week and a reduction in salaries. The

Department was now back to a 40 hour work week, but continued to take a revenue loss. He said it was considered the smaller fees or miscellaneous fees be tackled first in an attempt to adjust some of the end qualities. Commissioner Jung said comparative to the Cities of Reno and Sparks, which pay more in benefits and salaries, she imagined these would be reasonable. Mr. Jeppson said when the ordinance included a building evaluation table a comparison was done, but that section had been pulled because there was concern from the building community. He said before that was pulled, the comparison showed that the County was less expensive for certain fees. Commissioner Jung agreed that the perception was there; however, the County was competitive and due to that competitiveness in the region she supported the ordinance.

Chairman Breternitz said given the current number of requests or permits, how much was anticipated to be generated from the fee increases. Mr. Jeppson replied the fee increases would be nominal and could be under \$80,000. Chairman Breternitz said it was difficult to consider or contemplate in a positive way the reality of fee increases in order to maintain a healthy employee count. He noted at the present time it was difficult for him to support the ordinance.

Commissioner Weber questioned the increase in 2008. Mr. Jeppson explained the 2007/08 fee increases brought the department back to the fee schedule of October 2004. He said the County served a large geographical area and had been efficient and prudent with staff and economical by having an inspector on site the day after a request arrived. He said in some of the outlying areas there were some negotiations with contractors to delay the inspections by a day. He did not agree with the perception that these increases were only intended to protect staff when it had been shown that staff had been drastically reduced, but still expected to inspect the same geographical area.

Commissioner Weber asked if delaying the fee increase for six months was a possibility. Chairman Breternitz said the Shared Services subcommittee that was studying building permits and building inspections was expected to conclude within two months. Commissioner Weber felt that adding more impacts to the public now was not the answer.

Amy Harvey, County Clerk, read the following title for Ordinance No. 1456, **“AN ORDINANCE AMENDING CHAPTER 100 OF THE WASHOE COUNTY CODE BY ADDING THERETO A PROVISION INCREASING FEES FOR VARIOUS BUILDING PERMITS, INCLUDING GENERAL BUILDING PERMITS, OTHER INSPECTION AND PERMIT FEES, AND PLAN REVIEW FEES, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. (BILL NO. 1636).”**

Commissioner Jung moved to adopt Ordinance 1456. Due to lack of a second, the motion failed. There was no further action taken.

**Agenda Subject:** “Second reading and adoption of an Ordinance amending the Washoe County Code Chapter 110, *Development Code*, Article 416, *Flood Hazards*, in order to adopt guidelines for the mitigation of lost floodplain storage and maintenance of adequate storage in the critical flood storage zone according to the procedure adopted by the Truckee River Flood Project Coordinating Committee and to enact that process of determining appropriate mitigation, if any, including specific amendments to establish criteria for “no adverse impact”, establish mitigation for grading and fill in the critical flood zone 1, and establish exceptions to grading in the critical flood zone 1, as well as specific amendments to WCC 110.416.57 “standards for all development in critical flood storage zones” relating to the elevation and location of required mitigation for development in the critical flood storage zone and other necessary amendments to reflect updated information and procedures on the management of flood hazards. (Bill No. 1637). (All Commission Districts but major impact is in Commission Districts 2 and 4 where Critical Flood Storage Zone 1 is located.)”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Amy Harvey, County Clerk, read the title for Ordinance No. 1457, Bill No. 1637.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Humke ordered that Ordinance No. 1457, Bill No. 1637, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE CHAPTER 110, *DEVELOPMENT CODE*, ARTICLE 416, *FLOOD HAZARDS*, IN ORDER TO ADOPT GUIDELINES FOR THE MITIGATION OF LOST FLOODPLAIN STORAGE AND MAINTENANCE OF ADEQUATE STORAGE IN THE CRITICAL FLOOD STORAGE ZONE ACCORDING TO THE PROCEDURE ADOPTED BY THE TRUCKEE RIVER FLOOD PROJECT COORDINATING COMMITTEE AND TO ENACT THAT PROCESS OF DETERMINING APPROPRIATE MITIGATION, IF ANY, INCLUDING SPECIFIC AMENDMENTS TO ESTABLISH CRITERIA FOR “NO ADVERSE IMPACT,” ESTABLISH MITIGATION FOR GRADING AND FILL IN THE CRITICAL FLOOD ZONE 1, AND ESTABLISH EXCEPTIONS TO GRADING IN THE CRITICAL FLOOD ZONE 1, AS WELL AS SPECIFIC AMENDMENTS TO WCC 110.416.57 “STANDARDS FOR ALL DEVELOPMENT IN CRITICAL FLOOD STORAGE ZONES” RELATING TO THE ELEVATION AND LOCATION OF REQUIRED MITIGATION FOR DEVELOPMENT IN THE CRITICAL FLOOD STORAGE ZONE AND OTHER NECESSARY AMENDMENTS TO REFLECT UPDATED INFORMATION AND PROCEDURES ON THE MANAGEMENT OF FLOOD HAZARDS. (BILL NO. 1637)," be approved, adopted and published in accordance with NRS 244.100.

**11-44            AGENDA ITEM 30 - MANAGER**

**Agenda Subject: “Update on status of Shared Services efforts and possible direction to staff. (All Commission Districts.)”**

Katy Simon, County Manager, said that the Shared Services Elected Committee gave direction to staff for the County Manager and the Reno City Manager to collaborate and return a proposed hybrid plan for staff and Matrix Consulting to work together. She said she had made contact with Reno City Manager Donna Dreska to begin those discussions.

There was no action taken or no public comment on this item.

**11-45            AGENDA ITEM 31**

**Agenda Subject: “Discussion and possible action with regard to administrative matters pertaining to the Washoe County Board of Commissioners, including the service of individual Commissioners on various boards and commissions and the adopted Rules and Procedures for the Board of Commissioners. Possible action taken may include appointment and reappointment of Commissioners to boards and commissions, alteration of terms of service on boards and commissions where legally permissible, amendment, additions to and/or repeal of the 2010 Rules and Procedures, and such other action as the Board of Commissioners may desire to take in regard to these administrative matters. (All Commission Districts.)”**

Commissioner Larkin suggested suspending Rule No. 3 for six months and then have an evaluation of the current boards and commissions completed at the end of that six month period.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, it was ordered that Rule No. 3 be suspended for six months. It was further ordered that an evaluation of the current boards and commissions be completed at the end of that six month period.

Chairman Breternitz stated as Chairman he would now serve on the Nevada Tahoe Conservation (NTC) District Board of Supervisors, which alternated between Douglas County and Washoe County. He said as Chairman he would also serve on the Economic Development Authority of Western Nevada (EDAWN), the Investment Committee and the Organizational Effectiveness Committee. He suggested an alternate be appointed for the NTC Board of Supervisors from Douglas County.

Commissioner Larkin asked if multiple alternates could be specified for that Board. Chairman Breternitz stated that was correct. Commissioner Humke stated he would be the 2nd alternate.

On motion by Commissioner Humke, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Chairman Breternitz serve on the Nevada Tahoe Conservation District Board of Supervisors; Commissioner Humke serve as the 2nd alternate; and, the other Commissioners serve as alternates if needed.

The Board members reaffirmed their current positions on the numerous boards and commissions they served on.

Commissioner Larkin suggested the Board have two Legislative liaisons. Commissioner Humke stated he would be interested in acting as the Legislative liaison. Commissioner Larkin suggested Commissioner Jung for that position as well.

On motion by Commissioner Larkin, seconded by Chairman Breternitz, which motion duly carried, it was ordered that Commissioners Humke and Jung be the Legislative Liaisons for the 2011 Legislative session.

There was no public comment on this item.

**11-46            AGENDA ITEM 33 – GOVERNMENT AFFAIRS**

**Agenda Subject: “Discussion and possible direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. (All Commission Districts.)”**

Katy Simon, County Manager, said the Board needed to be aware of the following upcoming dates:

- January 24, 2011 at 6:00 p.m. - Governor Sandoval’s State-of-the State speech and the release of the proposed budget;
- January 25, 2011 – the Legislature would begin budget hearings;
- January 29, 2011 – the Legislature would hold a town hall meeting on the State budget in the Washoe County Commission chambers beginning at 9:00 am.;
- February 7, 2011 – 2011 Legislative session begins; and,
- February 11, 2011 the County would make their presentation to Assembly Government Affairs.

There was no action taken or public comment on this item.

**11-47            AGENDA ITEM 36 – REPORTS AND UPDATES**

**Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of**

**Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”**

Commissioner Larkin announced that the Flood Project Coordinating Committee (FPCC) would hold their annual retreat on January 14, 2011 and noted that the FPCC was at a critical juncture. He said two years ago there was a Joint Powers Agreement voted on by all three governing bodies and accepted as the general tract being embarked on. He noted there was a request by the City of Reno for their two members, Councilmembers Jessica Sferrazza and Dave Aiazzi, to bring forward some variety of an interlocal agreement that had been seen over and over. He said there was a presentation at the Reno City Council in December 2010, and he did not see any new information. He noted that the interlocal agreement would be presented to the FPCC on January 14th and, if there was not a consensus for the Joint Powers Agreement, then the Flood Project would be in serious trouble. Commissioner Larkin also noted that he would be unable to attend the Regional Planning Governing Board (RPGb) meeting on January 13, 2011.

Commissioner Weber said she went to Gerlach and held a community meeting to discuss the impending closing of the US Gypsum plant and added there were several presentations conducted to the community. She participated on a conference call with the Nevada Association of Counties (NACO) and said the NACO Board approved the Commissions’ request for reduced membership fees. Commissioner Weber commented that NACO purchased a building in Carson City, which was less expensive than the current lease. She said there was a reception by the League of Cities and NACO scheduled for February 16, 2011 at the Governors mansion. Commissioner Weber announced her “Coffee and Conversation” was scheduled for January 15, 2011 at the West Brook Community Center in Black Springs.

Commissioner Humke announced the Reno-Sparks Convention and Visitors Authority (RSCVA) Finance Committee meeting was scheduled for January 12, 2011.

Commissioner Jung announced that she would attend the Library Board of Trustees meeting on January 13, 2011. She said the Regional Transportation Commission (RTC) would hold a workshop in Sun Valley on January 19, 2011 to discuss the interchange expansion. Commissioner Jung noted that the Regional Jobs Committee was scheduled to meet on January 20, 2011.

Chairman Breternitz presented a certificate to County Manager Katy Simon for 15 years of continuous service to Washoe County.

**COMMUNICATIONS AND REPORTS**

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

## **COMMUNICATIONS**

- 11-48** Regulations of the Washoe County District Board of Health Governing Solid Waste Management, Amended and Approved on October 28, 2010.
- 11-49** Notice of Completion of the South Truckee Meadows Reclaimed Water System, Fieldcreek Reservoir Floating Cover Replacement, between the Washoe County Department of Water Resources, Utility Services Division, and Layfield Environmental Systems Corporation, PWP-WA-2010-51 to the Nevada State Labor Commission dated December 1, 2010 (12/8/2009 BCC Meeting, Agenda Item 26).

## **REPORTS – ANNUAL**

- 11-50** City of Sparks Comprehensive Annual Financial Report for Fiscal Year 2009/2010.
- 11-51** Regional Transportation Commission (RTC) Comprehensive Annual Financial Report for the year ended June 30, 2010.
- 11-52** Reno-Tahoe International Airport Comprehensive Annual Financial Report for the year ended June 30, 2010.
- 11-53** Reno-Sparks Convention and Visitors Authority (RSCVA) Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2010.
- 11-54** Washoe County School District Comprehensive Annual Report for the year ended June 30, 2010.

## **REPORTS – FINANCIAL STATEMENTS**

- 11-55** Carson-Truckee Water Conservancy District Audited Financial Statements and Supplemental Information for the year ended June 30, 2010.
- 11-56** Truckee Meadows Water Reclamation Facility Audited Financial Report for the year ended June 30, 2010.

\* \* \* \* \*

**7:24 p.m.** There being no further business to discuss, the meeting was adjourned.

---

**JOHN BRETERNITZ**, Chairman  
Washoe County Commission

**ATTEST:**

---

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

*Minutes Prepared by:  
Stacy Gonzales, Deputy County Clerk*

**RESOLUTION  
TO SPONSOR AN AMENDMENT OF THE TRUCKEE MEADOWS REGIONAL  
PLAN TO AMEND A UTILITY CORRIDOR FROM VIRGINIA PEAK TO THE  
TRACY POWER PLANT**

WHEREAS, The Regional Plan requires that all transmission lines of 60kV or greater shall be located within a utility corridor as identified in the Regional Utility Corridor Report;

WHEREAS, A cadastral survey of property lines along the northern portion of the approved transmission line was conducted showing some inaccuracies in the physical locations of several property lines of Washoe County's parcel base data;

WHEREAS, A modification of the utility corridor requires an amendment of the Truckee Meadows Regional Plan;

WHEREAS, A public hearing on the approval of the special use permit for the Virginia Peak to Tracy transmission line was held on February 4, 2009 by the Washoe County Planning Commission;

WHEREAS, The Washoe County Planning Commission approved the special use permit for the Virginia Peak to Tracy transmission line on February 4, 2009; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA That the Board does hereby sponsor the amendment of the Regional Utility Corridor, a part of the Truckee Meadows Regional Plan for the amendment of the utility corridor to support the Virginia Peak to Tracy transmission line.

ADOPTED this 11<sup>th</sup> day of January, 2011.

WASHOE COUNTY COMMISSION



~~David E. Humke, Chair~~

JOHN BERTHONITE, CHAIR

ATTEST:

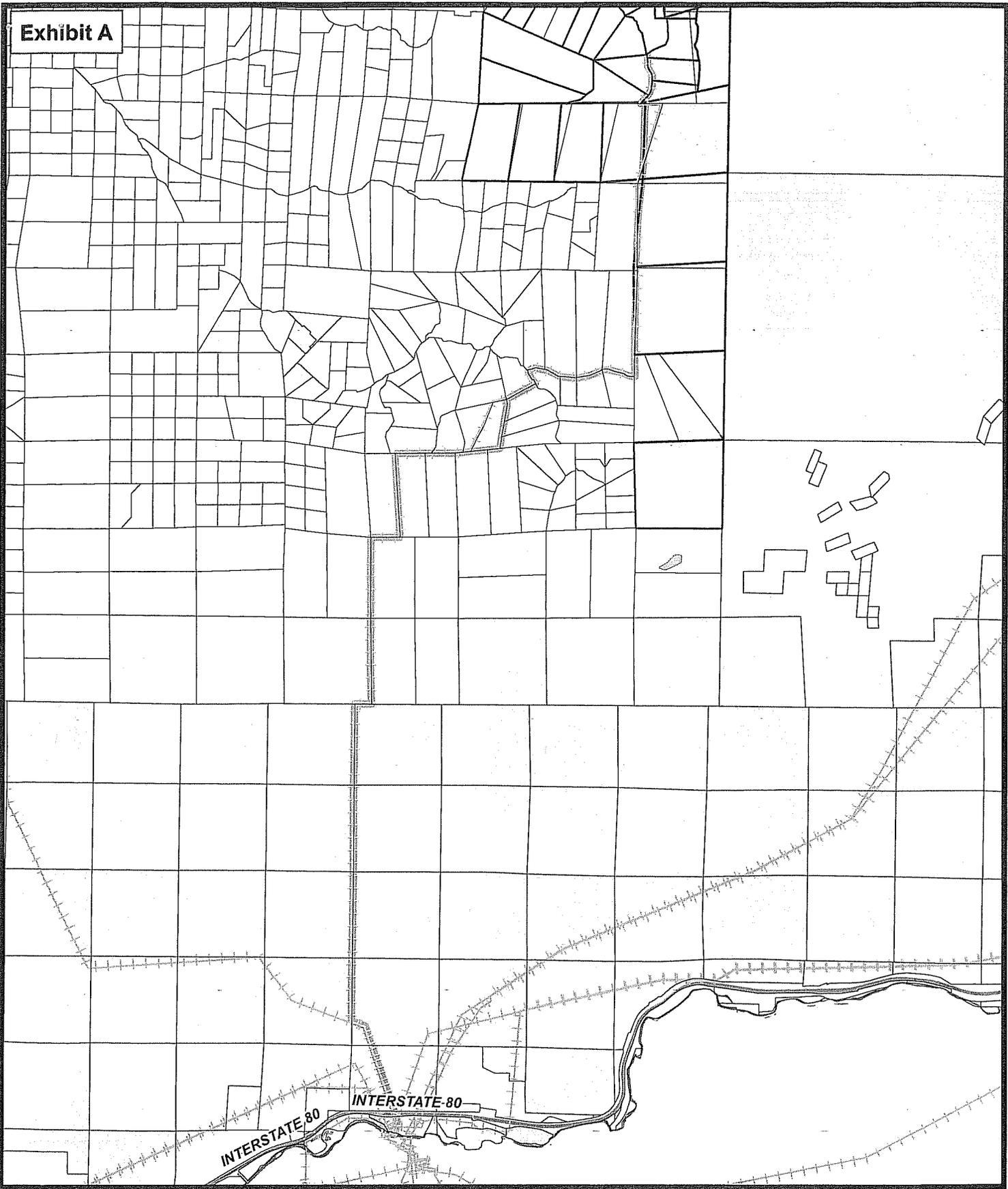


Amy Harvey, County Clerk

11-23

12/16/09

**Exhibit A**

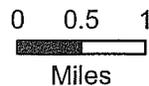
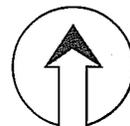


**AMENDMENT TO REGIONAL UTILITY  
CORRIDOR FOR VIRGINIA PEAK**

**Legend**

- ++++ RUCR TMRPA TransLine
- Cadastral Survey Parcel Lines
- VP Proposed TransLine Route

- Washoe County GIS Parcel Base
- Federal Land (WC GIS Parcel Base)



Department of  
Community  
Development

**WASHOE COUNTY  
NEVADA**

Post Office Box 11130  
Reno, Nevada 89520  
(775) 328-3600





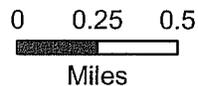
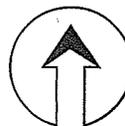
10.11

**AMENDMENT TO REGIONAL UTILITY  
CORRIDOR FOR VIRGINIA PEAK**

**Legend**

- ++++ RUCR TMRPA TransLine
- Cadastral Survey Parcel Lines
- VP Proposed TransLine Route

- Washoe County GIS Parcel Base
- Federal Land (WC GIS Parcel Base)



Department of  
Community  
Development

**WASHOE COUNTY  
NEVADA**

Post Office Box 11130  
Reno, Nevada 89520  
(775) 328-3600



RESOLUTION NO. \_\_\_\_

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the "Board") of the County of Washoe (the "County"), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A attached hereto and incorporated herein (the "Districts"), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land ("properties") in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada's Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A attached hereto ("delinquent properties"), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

h2-11

AG

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WASHOE, STATE OF NEVADA AS FOLLOWS:

1. The Board hereby exercises its option to cause the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 11:00 a.m. on March 29, 2011, in the Washoe County Central Conference Room, 1001 E 9<sup>Th</sup> St Building C, Reno Nevada,** which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or

her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

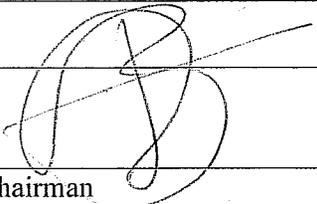
ADOPTED this 11th Day of January 2011, by the following vote:

AYES: BRETERNITZ, WEBER, HUMKE, JUNG, LARKIN

NAYS: 0

ABSENT: 0

ABSTAIN: 0

  
\_\_\_\_\_  
Chairman  
Washoe County Commission

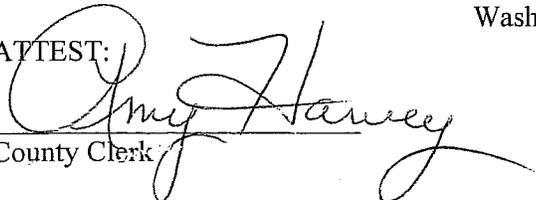
ATTEST:  
  
\_\_\_\_\_  
County Clerk

EXHIBIT A

Delinquent Parcels – by Assessment District - as of 12/22/2010

WCAD #21 Cold Springs Sewer—**District 5**  
8 parcels

- 556-051-16
- 556-061-03
- 556-111-03
- 556-222-03
- 556-312-12
- 556-321-24
- 556-322-01
- 566-091-07

WCAD #23 Arrowcreek Water—**District 2**  
5 parcels

- 152-091-17
- 152-160-19
- 152-571-08
- 152-733-07
- 152-873-06

WCAD #29 Mt. Rose Sewer Phase 1—**District 2**  
1 parcel

- 047-052-03

WCAD #30 Antelope Valley Road—**District 5**  
3 parcels

- 079-470-97
- 079-481-16
- 079-500-18

WCAD #31 Spearhead Way-Running Bear Dr—**District 3**  
1 parcel

- 552-040-68

WCAD #37 Spanish Springs Sewer Phase 1A—**District 4**  
1 parcel

- 089-355-03

Total Parcels 19

11-24  
hE-11

**RESOLUTION REQUESTING THE BUREAU OF LAND MANAGEMENT TO TRANSFER LAND PATENT 27-2005-0084 (HIGHLAND RANCH PARK) FROM WASHOE COUNTY TO SUN VALLEY GENERAL IMPROVEMENT DISTRICT**

WHEREAS, In 2001, Washoe County acquired 29.35 acres of federal land [APNs 083-011-16 and 083-730-11] for use as a neighborhood park, through the Recreation and Public Purposes Act administered by the Bureau of Land Management; and

WHEREAS, Washoe County constructed a park on the property (commonly known as Highland Ranch Park) utilizing Residential Construction Tax funds compliant with NRS 278.4983, and the approved Highland Ranch Park Master Plan, as outlined in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Sun Valley General Improvement District (SVGID), a political subdivision of the State of Nevada, obtained the authority to operate recreational facilities within its service boundary and has instituted a monthly recreational fee to fund the operation and maintenance of four County parks, including Highland Ranch Park; and

WHEREAS, The Board of County Commissioners approved an Intergovernmental Agreement between Washoe County and SVGID, authorizing transfer of ownership of said County parks as outlined in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, As of January 3, 2011, Washoe County has transferred ownership of three out of four of said County parks to SVGID, except Highland Ranch Park; and

WHEREAS, Washoe County and SVGID have entered into an Intergovernmental Agreement regarding temporary maintenance and operations of Highland Ranch Park, as outlined in Exhibit "C" attached hereto and incorporated herein by reference; and

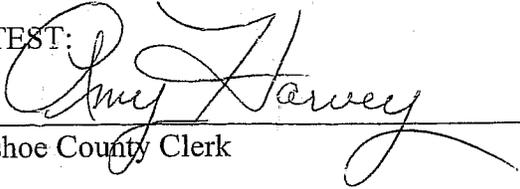
WHEREAS, The Board of County Commissioners find that it is in the best interest of the public to transfer ownership of Highland Ranch Park to SVGID; and now, therefore, be it

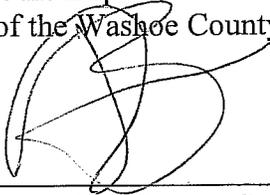
RESOLVED, By the Board of County Commissioners that the Board hereby requests that the Bureau of Land Management transfer Land Patent 27-2005-0084 from Washoe County to SVGID; and

BE IT FURTHER RESOLVED, and hereby ordered, that the Department of Regional Parks and Open Space shall record this resolution in the Office of the Washoe County Recorder.

Adopted this 11<sup>th</sup> day of January, 2011.

ATTEST:

  
Washoe County Clerk

  
Chair, Washoe County Commission

12-11

141