

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

TUESDAY

10:00 A.M.

FEBRUARY 25, 2014

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson
Marsha Berkgigler, Commissioner
Vaughn Hartung, Commissioner
Kitty Jung, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

14-144 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three 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 three minutes per person. Comments are to be made to the Commission as a whole.”

Sam Dehne addressed the Board on different issues and concerns.

14-145 AGENDA ITEM 4 – ANNOUNCEMENTS

Agenda Subject: “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

Commissioner Weber said she recently attended the Southern Nevada Transit Coalition with the Regional Transportation Commission (RTC) in Laughlin, Nevada to review how a non-profit entity would assist in transit service to the rural, outlying areas. She announced that she would be in Washington D.C. with the National Association of Counties (NACo) and would attend the Shared Federal Frameworks Conference and the American Public Transportation Association Conference.

Commissioner Hartung reported that the Nevada Lands Task Force was in the process of completing some items. He requested staff work with the Nevada Association of Counties (NACO), which was planning on providing a presentation on the Task Force. He was concerned when the County rolled over the lands, the County may no longer receive Payment in Lieu of Taxes (PILT) funds. In regard to water conservation, Commissioner Hartung said there were industrial and commercial requirements for green belts and felt that should be changed. If a person wanted a green belt, they should be allowed to put in zeroscape since it would be a tremendous savings. He said the Board needed to review how that water usage was being dealt with and the requirements being placed on some development.

Commissioner Jung requested an agenda item to discuss how staff could be empowered to approach the Board and state if an ordinance was out of date, and then provide recommendations to the Board in order to bring an ordinance current.

14-146 AGENDA ITEM 5 – HUMAN RESOURCES

Agenda Subject: “Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses.”

Essentials of Management Development

Karen Burch, Department Computer Specialist

CONSENT AGENDA

14-147 AGENDA ITEM 6A

Agenda Subject: “Cancel March 18, 2014 County Commission meeting.”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6A be approved.

14-148 AGENDA ITEM 6B - ASSESSOR

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2013/2014, 2012/2013, 2011/2012 secured tax roll and authorize Chairman to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s), [cumulative amount of decrease \$3,164.98]. (Parcels are in various Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6B be approved, authorized, executed and directed.

14-149 AGENDA ITEM 6C – HUMAN RESOURCES

Agenda Subject: “Approve reclassification of a Department Computer Specialist position, pay grade KL to a new job classification of Department Systems Support Coordinator (Sheriff’s Office), pay grade N as evaluated by the Job Evaluation Committee; [net annual impact estimated at \$9,100]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6C be approved.

14-150 AGENDA ITEM 6D - MANAGER

Agenda Subject: “Approve a 2013 Supplemental Emergency Management Performance Grant (EMPG) from the State of Nevada, Division of Emergency Management [\$10,000, with requirement match of \$10,000] by applying the salary expense of Washoe County Sheriff Search and Rescue positions, for the period of February 3, 2014 through April 30, 2014; and direct Finance to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6D be approved and directed.

14-151 AGENDA ITEM 6E – REGISTRAR OF VOTERS

Agenda Subject: “Approve request to change method of payment for election workers who earn more than \$600 per calendar year due to a change in IRS Regulations. These workers will be added into the Washoe County Payroll System as Intermittent Hourly Employees (approximately 110 people) in order to issue a W-2 form instead of a 1099 at end of year. Due to mandatory overtime pay requirements, maximum fiscal impact estimated [\$10,000 per Primary Election and \$15,000 per General Election]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6E be approved.

14-152 AGENDA ITEM 6F – SENIOR SERVICES

Agenda Subject: “Accept grant award from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Nutrition Services Incentive Program [\$40,456 no match required] retroactive from October 1, 2013 through September 30, 2014; and direct Finance to make the appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6F be accepted and directed.

14-153 AGENDA ITEM 6G - TREASURER

Agenda Subject: “Acknowledge Receipt of the Report of Sale- January 23, 2014 Delinquent Special Assessment Sale-Sale Cancelled as All Delinquencies paid and one filed bankruptcy. (Commission Districts 2, 4 and 5.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6G be acknowledged.

14-154 AGENDA ITEM 6H(1) – COMMUNITY SERVICES

Agenda Subject: “Approve the State of Nevada Manufacturer’s Brew Pub License and Craft Distillery License, with recommendations contained in the staff report, for The Depot, LLC, dba The Depot; and if approved, authorize each Commissioner to sign both State of Nevada *Application for Manufacturer’s Licenses* with direction for the County Clerk to attest both license applications. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6H(1) be approved, authorized, executed and directed.

14-155 AGENDA ITEM 6H(2) – COMMUNITY SERVICES

Agenda Subject: “Approve a Purchase and Sale Agreement and a Water Rights Grant, Bargain and Sale Deed between Washoe County and Resource Management and Development, Inc. for the County’s purchase of 8.74 acre feet of Truckee River water rights in support of the Golden Valley Artificial Recharge Program [\$51,216.40]. (Commission Districts 3 and 5.)”

Chairman Humke inquired on the policy behind this item. Dwayne Smith, Division Director, explained that the development of the ReCharge Program utilized various leased waters and, beginning in 2012, explained that the County began purchasing water to support the project. Under Article 422, he said Washoe County owned all the water rights and was in a position to either use the leased water or utilize Washoe County water. In terms of a policy, the decision had been made several years ago to continue this process and he noted this was the fourth time it was continued. However, he did not have an answer in terms of a policy coming before the Board or Board direction. He noted when the process originally began, staff approached the Board and worked with the Golden Valley Property Owners Association (GVPOA) to establish a process to meet the needs of the County and the homeowners in creating a water rights bank that would support the future implementation of a water system development in that area and, until that time, use those waters to recharge the Golden Valley basin.

Chairman Humke inquired on the County-owned water rights. Mr. Smith explained that all water rights that came to the County to support development were held in trust by the County to support that development. Chairman Humke asked if that was a dedication at the time someone wanted a Certificate of Occupancy. Mr. Smith replied when someone wanted to develop property, water rights were dedicated to the County and then the County held those rights in trust for that development. In this case, he said water rights were being used that could be utilized in many places and, right now, they could be used to recharge the groundwater under the permits required by the State of Nevada. Chairman Humke said a private entity gave the County 8.74 acre feet of water rights for the purposes of development and asked what development was being served. Mr. Smith stated that the water was being used to recharge and serve the ReCharge Program in Golden Valley. He clarified that the Recharge Program had two permits under the State and, in order to meet the requirements to recharge water, the County needed water rights that met the State's requirements to be used for this purpose. Under those permits, he stated these were mainstream Truckee River water rights that could be used to recharge the Golden Valley aquifer.

If the County was taking Truckee River water rights, Chairman Humke asked if that was detrimental to the obligations under the Truckee River Operating Agreement (TROA). Mr. Smith explained that the obligations under TROA were dealt with in a different way and every acre foot of water used down to the River had two components. He said staff was devising a way to develop and meet the obligations under TROA for the 6,700 acre feet of Truckee River water; however, this water was already coming out of the Truckee River and already being served through a lease to recharge the groundwater in Golden Valley. Instead of leasing water, he said the County would replace the leased water with purchased Truckee River water. Chairman Humke asked if the County needed to locate an additional 6,700 acre feet of Truckee River water to dedicate to TROA. Mr. Smith stated that was correct. Chairman Humke asked how that would be conducted. Mr. Smith indicated there were several plans in the process and noted that staff had recently been meeting with the Nevada Department of Transportation (NDOT) for opportunities that may exist to utilize un-used water associated with properties that were formally roadways. Chairman Humke asked if NDOT owned water

rights. Mr. Smith stated that was correct. Chairman Humke asked if the County owned water rights. Mr. Smith stated that was also correct.

Chairman Humke had heard that some people disagreed with the County owning and purchasing water rights. Mr. Smith said the TROA agreement had two parts and the piece concerning the 6,700 acre feet of water had the City of Reno, the City of Sparks and the County meeting that obligation. Chairman Humke said every citizen in the County knew it was wrong for the County to purchase water rights. Mr. Smith explained that the water rights would be purchased for a specific purpose, which was to satisfy the TROA obligation. Chairman Humke asked if it was wrong for the County to purchase water rights. Mr. Smith commented that it was not his place to say whether it was wrong or not, but it was his job to implement and find ways to meet the requirements under those agreements.

Chairman Humke said he was not satisfied with that answer. He felt this item needed to be continued for a full discussion and review of the TROA agreement.

Commissioner Jung felt this item should not be held hostage over a philosophical difference. She asked who paid for the Recharge Program. Mr. Smith replied that the water rates were collected from the residents within the prescribed boundary to maintain, operate, repair and manage the system, including the purchase of the water rights. Commissioner Jung asked if the rate was \$22.66 per month, per parcel. Mr. Smith stated that was correct. Commissioner Jung asked if the genesis for the leased water was driven by the ratepayers or staff. Mr. Smith said the genesis of the original program recognized that groundwater levels were declining within Golden Valley. Commissioner Jung clarified the genesis in leasing the water. Mr. Smith explained that the Truckee River water rights had significantly decreased in cost and the GVPOA had recognized an opportunity to begin the purchase of water to ultimately reduce the overall costs of the program. He said County staff met on several occasions with the GVPOA, as well as the two Commissioners that represented that area.

Commissioner Jung commented that the genesis for the program began from the ratepayers. She acknowledged that staff at first needed to be convinced by the two Commissioners representing that area that the residents, as the end-users, arrived at this model since they recognized how much water rates had decreased and how the leased rate through the South Truckee Meadows General Improvement District (STMGID) was not in accordance of the market. She explained that this took many staff hours and many hours with constituents, but she did not want to see this item continued since it was citizen activated and motivated.

Chairman Humke said citizens wanted the program, but two Commissioners had to convince staff this was a worthwhile policy to deviate from the State Engineer's policy. Commissioner Jung remarked that this had nothing to do with the State Engineer. This was a policy that was part of the Recharge Program to lease water because, in terms of the market at that time, it was cost efficient to lease the water at a fixed rate rather than buy the water rights. Chairman Humke said staff still had to be

convinced this was appropriate. Commissioner Jung stated that the staff member that needed convincing no longer worked for the County. She explained this was “thinking outside of the box” and what would best benefit the customers. Chairman Humke asked if this idea waited until a staff member retired. Commissioner Jung indicated she would not state that on the record.

Commissioner Hartung inquired on the County’s obligation with the TROA agreement in terms of percentages. Mr. Smith explained there was an agreement entered into with the Cities of Reno and Sparks and the County that contained percentages. That agreement contemplated what would occur in the event there was an excess of water rights available and how those rights would be redistributed, which were: 60 percent for the City of Reno; 20 percent for the City of Sparks; and, 20 percent for the County. He said it was important to move forward with the TROA acquisition process to meet the County’s obligations. Commissioner Hartung questioned if the percentages were being referenced with respect to the overall allocations and could the allocation decrease with the County’s percentage possibly decreasing. He asked what the total number of acre feet was required to satisfy the TROA. Mr. Smith replied that the 6,700 acre feet, using the assumed basis that the County would be obligated for 20 percent of the 6,700 acre feet, equated to approximately 1,400 acre feet. He cautioned in moving forward through the process of acquiring and meeting the obligations under TROA, because those percentages and the total amount of acre feet may increase or decrease. Commissioner Hartung stated that the water rights owned by NDOT involved impervious surface water around the valley where the water flowed. Mr. Smith replied since roadways were created and water rights assigned, a study had identified approximately 3,400 acre feet of water associated with NDOT roadways and parcels of which some percentage could be available to help satisfy the TROA requirements. He acknowledged those were associated with impervious areas. Commissioner Hartung asked if these processes, such as the recharge of the water, would continue to come through the County or would the Truckee Meadows Water Authority (TMWA) take them over when the merger was completed. Mr. Smith replied that had not been determined and was a point of negotiation.

Commissioner Berkbigler stated that the cost for the recharge would be reimbursed to the County and asked why the County was purchasing water rights to benefit residents. Mr. Smith explained that the monies used to purchase the water rights were ratepayer dollars, not Washoe County taxpayer dollars. He confirmed that the program was designed with the strict requirement that it would be ratepayer dollars. He explained that a fund was built from the collection of the rates, which was used for the operation and maintenance of the system, rehabilitation of the four injection wells, repairs and management and used to purchase water rights for the benefit of the Recharge Program as required under the two State permits.

Chairman Humke asked if Golden Valley residents were on domestic wells. Mr. Smith replied that those residents were on domestic wells because there was no municipal water system in that area. He explained there were two issues in Golden Valley, the decline in the groundwater table, and an increase in the nitrate levels. He said the Recharge Program recharged the groundwater table so domestic well owners could

continue to utilize the water, and it also helped dilute the nitrate issue. Chairman Humke said other projects in the County used a water distribution system and State law required if an area was within 400 miles of a distribution system those residents had to tap into that system. He asked if pipes had been placed in the Golden Valley area. Mr. Smith replied that the property owners preferred to be on domestic wells. There was no requirement at the time those wells were developed for a municipal water system to be put in place. If there was a program in the future, he said then a community outreach process would be established similar to the Callahan Ranch area. Chairman Humke asked if people in the Callahan Ranch area capped their wells and were now on municipal water. Mr. Smith indicated once a well failed or required major repair, the State Engineer, as the permitting authority, would require the resident to connect to the municipal system. He noted that many of those issues were resolved through the Domestic Well Mitigation program.

If the Board agreed to this, Chairman Humke said the County would purchase water to inject into the ground. Mr. Smith indicated that the property owners, through their monthly rates, would purchase the water rights to inject into the ground. He noted that the monthly rate was \$22.66 and clarified there was no municipal system in Golden Valley. Chairman Humke asked why the residents paid a rate when there was no municipal system. Mr. Smith clarified that the residents paid \$22.66 per month for the Recharge Program that utilized four injection wells. That rate paid for operation and maintenance of the system, rehabilitation of the four injection wells, repairs, management, and the purchase of water rights to recharge the basin in that area. He explained that a municipal water rate went toward the operations and maintenance of a municipal water system including the development and billing. It was similar but had two distinct purposes; a ReCharge Program under a State permit versus an obligation under a municipality to provide a municipal water service. Chairman Humke asked if there was a need for more water due to the upcoming irrigation and growing season. Mr. Smith said the performance and function of the Recharge Program was critical. He explained that the recharge needed to continue constantly in order to always have water injected into the groundwater table.

Commissioner Weber asked when the program began. Mr. Smith replied that the Program began as a Pilot Program in 1994 and was later created by ordinance to collect fees from the residents. Commissioner Weber said that the GVPOA had worked on this project for many years and this was an opportunity for a community to continue to purchase their water rights ensuring that the Recharge Program worked.

Chairman Humke asked if the domestic well owners had the possibility of attaching to the TMWA Service Area and would TMWA then dictate how they used their water. Mr. Smith replied that the three options through the proposed merger with TMWA were: for the County to maintain the operations and maintenance responsibilities associated with the Recharge Program; for the Recharge Program to be transferred to TMWA; or, the GVPOA would hire an independent consultant to perform those same duties. Chairman Humke asked about staff's recommendation on those options. Mr. Smith replied that staff did not have a formal recommendation at this time. However, he

did not consider that to be a significant issue through the negotiation process with TMWA.

Chairman Humke felt this item should be continued since there were many policy questions that needed to be answered.

Commissioner Weber moved to approve the purchase and sale rights as stated in the staff report. Commissioner Hartung seconded the motion.

Commissioner Weber withdrew the motion because a motion had not yet been made on the consent items.

In response to an inquiry from Chairman Humke, Paul Lipparelli, Legal Counsel, said he was unaware of the Board taking public comment on the consent agenda in general. He said citizens were entitled under the Board's agenda rules to comment on items within the consent agenda, but the consent agenda as a whole was not an item. He said a citizen could choose an item from the consent agenda and make public comment on that item.

In response to the call for public comment, Sam Dehne stated there had been the concept of speaking generally on the consent agenda for three minutes. However, according to legal counsel, he said a person could now speak on each individual consent item for three minutes.

Mr. Lipparelli said the Open Meeting Law required a public body to state public comment restrictions on the agenda. He said the Board's posted agenda provided that public comments of three minutes per person would be heard during individual action items on the agenda. He construed that to mean items which were not already grouped in the consent agenda. He interpreted that under the Board's posted agenda, and past practice, that citizens were extended the opportunity to comment for three minutes on any item within the consent agenda and assured by the language on the posted agenda. Chairman Humke confirmed the comment would then be for three minutes on any item and that consent items were listed as one item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6H(2) be approved.

14-156 AGENDA ITEM 6H(3) – COMMUNITY SERVICES

Agenda Subject: “Adopt a Resolution declaring Washoe County’s intent to sell for public auction certain Galena Creek surface water rights in exchange for Truckee River Main-Stem water rights only, at an exchange rate of 1.11 acre-feet of Truckee River Main-Stem water rights for 1.35 acre-feet of Galena Creek surface water rights; and if adopted, direct the County Clerk to publically advertise those certain Galena Creek surface water rights to be sold for exchange; and set a Public Hearing for March 25, 2014 at 6:00 p.m. pursuant to NRS 244.282, during which the Board

will receive and consider sealed bids and entertain oral bids or reject all bids. (All Commission Districts.)”

Chairman Humke renewed every question for this item he posed on Agenda Item 6H(2).

Dwayne Smith, Division Director, explained that this was based on decisions made in the late 1990's, early 2000's for the County to accept surface water rights, specifically Thomas, Galena and Whites Creek water rights for a treatment plant that had been put on indefinite hold. He said this would recognize an opportunity to take those Galena Creek surface water rights and replace them with Truckee River water rights, which were more suitable for the long-term support of the development. He said there was not a facility to treat Galena Creek water rights or a mechanism in place to utilize those water rights, but through this action, the sale for exchange allowed the County to remedy that issue.

Chairman Humke asked if this was a swapping of surface water rights. Mr. Smith explained it was exchanging surface water rights from Galena Creek for surface water rights from the Truckee River. Chairman Humke asked if the County had purchased these water rights from Galena Creek. Mr. Smith replied that these water rights were dedicated to the County for the development of the Curti Ranch and G. Curti Developments, but were now in the County's control.

Chairman Humke asked if staff tailored every deal to the needs of the water resource and the availability for purchase or dedication. Mr. Smith stated these were opportunities that arose and, on recognizing the benefit to the County, it was discussed to take advantage of the opportunities. He said the County owned water rights, as required under Ordinance 422, so all water rights put into effect or put into use that were dedicated to the County to support development were held in trust by the County. Mr. Smith explained that water rights were unique and were not an asset that could be picked up or stripped off of a development, but were held in trust for the perpetual benefit of that development. Chairman Humke asked if there was urgency for the exchange of these water rights as to the irrigation season in District 2. Mr. Smith stated that the advantages before the irrigation season would be the impetus. Chairman Humke asked if the County was going to use the water rights. Mr. Smith said currently the County leased the water rights and, through this process, would terminate that lease agreement for the water rights. Chairman Humke asked if the County leased these water rights to another party. Mr. Smith explained there were two entities that leased Galena Creek water rights: the County; and, the South Truckee Meadows General Improvement District (STMGID). He explained that STMGID had control of some Galena Creek water, while Washoe County had control over a larger share of Galena Creek water. The water rights being discussed were under the control of Washoe County and would be sold for exchange for mainstream Truckee River water rights.

Chairman Humke did not understand the policies and moved to continue this item. Mr. Smith stated that this opportunity arose because the County did not have

the ability to utilize the Galena Creek water rights in an ongoing fashion and could not service developments because they were very specific water rights. He said this opportunity was to sell for exchange mainstream Truckee River water rights, which held a high value and contained no risk. Chairman Humke asked if there was value maintained in the water rights caused by the Truckee River Operating Agreement (TROA) obligation. Mr. Smith replied those were two separate issues. He said the TROA water issue would need further review, which he would provide when he was more prepared to have a full-broad discussion. He clarified that there was no competition under the TROA for this opportunity.

Due to lack of a second to continue this item, the motion failed.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6H(3) be adopted and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-157 AGENDA ITEM 6I - SHERIFF

Agenda Subject: “Accept donation [\$300] from the Fire Shows Reno program to the Washoe County Sheriff’s Office for the Citizen Corps Program (CCP); and authorize Finance to make appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked the Fire Shows Reno program for their generous donation.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I be accepted.

11:04 a.m. The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

11:47 a.m. The Board adjourned as the TMFPD/SFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

11:48 a.m. The Board recessed.

11:57 a.m. The Board reconvened with all members present.

14-158 AGENDA ITEM 8 – FINANCE

Agenda Subject: “Recommendation to approve the use of General Fund Contingency and Other Post Employment Benefits (OPEB) budget authority to cover the unbudgeted expenditures for the fiscal year 2013-2014 labor negotiations; approve cross function adjustments required to move savings from one function to another function so as to bring the budget authority to the level of actual personnel expenditures that are anticipated for this fiscal year; and, direct the Comptroller’s Office to make the adjustments [total adjustments \$3,135,295]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 8 be approved and directed.

BLOCK VOTE

The following Agenda Items were consolidated and voted on in a block vote: 11 and 14.

14-159 AGENDA ITEM 11 – COMMUNITY SERVICES

Agenda Subject: “Recommendation to consider a request and approval of an Agreement between Artown and Washoe County for sponsorship of Artown 2014 with Washoe County being recognized as a Festival and Event Sponsor [in kind \$15,000]; approve the use of General Fund Contingency funds to fill the gap between earned income and expense [not to exceed \$20,000]; and authorize Finance to make all appropriate budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 11 be approved and authorized.

14-160 AGENDA ITEM 14 - MANAGER

Agenda Subject: “Discussion and possible direction to staff to discuss with their counterparts in Storey County the advisability and feasibility of implementing the boundary line change between the counties provided in Section 1 of Senate Bill 272 of the 2013 Session of the Nevada State Legislature, with the intent that Washoe County staff report back to the Board with recommendations on approval or disapproval and any terms, conditions or agreements advisable or necessary.”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 14 be approved.

14-161 AGENDA ITEM 9 – COMMUNITY SERVICES

Agenda Subject: “Discussion and possible action regarding recent determination by Regional Planning Commission (RPC) that Master Plan Amendment 12-001 (Village at Peak) does not conform to the Regional Plan, including: (i) possible grounds for County filing an objection with RPC for reconsideration; (ii) whether or not to file such an objection, (iii) whether to file an appeal with Regional Planning Governing Board if RPC affirms its non-conformance determination; and (iv) other possible actions such as initiating for future consideration – after proper notice and hearings--possible corrections, changes or amendments to the master plan or MPA 12-001. (Commission District 4.)”

Kevin Schiller, Assistant County Manager, stated that during the February 11, 2014 Commission meeting, the Board directed staff to gather comments from that meeting and previous meetings and work with the developers to appear with supporting grounds specific to the position surrounding the Master Plan Amendment for Village at the Peak and conformance with the Regional Plan. He confirmed that staff had met with the developers and worked on a document that outlined the supporting information.

Garrett Gordon, Village of the Peak representative, acknowledged that he met with staff and arrived at several pages of justifications explaining how the current application could be found in conformance with the Regional Plan. He and staff, with members of the Regional Planning Commission (RPC), discussed some of the objections and attempted to understand the reasons the RPC felt the application was not in conformance with the Regional Plan. He said the meeting was productive and, on behalf of the property owner, he felt optimistic that the current application could be modified in response to some of their concerns. Mr. Gordon stated that an objection letter from the Board to the RPC would not be necessary since he believed the original application could be amended in response to the original RPC’s staff report to arrive at a compromise for all the parties. He suggested Option 4 be approved, which was other possible actions such as initiating for future consideration – after proper notice and hearings – possible corrections or amendments to the Master Plan or MPA12-001.

Commissioner Hartung asked if the current application was being withdrawn. Greg Salter, Legal Counsel, clarified that the application had been ruled on by the RPC. The Board could choose to not raise an objection to that ruling which meant the RPC non-conformance determination would stand.

Commissioner Hartung asked if the process would begin at the Citizen Advisory Board’s (CAB) since that was the first part of the developmental process. Per statute, Mr. Gordon explained if the RPC denied the application, the County as the

applicant, could file for reconsideration. He said if the reconsideration was denied, the application would then go to the Governing Board as an appeal. If the appeal was denied, the affective governing body *shall* within 60 days file a new plan with revisions. He indicated that the application would now be modified in response to the concerns from the RPC. Mr. Gordon noted that County Code stated that modifications may be made unless it was a final approved Master Plan amendment, but noted that the RPC had not yet taken final action. He believed that the original application could be modified and would not require the same process as a new application; however, he would be willing to meet with concerned neighbors. Commissioner Hartung preferred the application go through the CAB's, which was the formal process, then the Planning Commission and then the Board would receive the CAB's recommendations. Mr. Gordon replied after the modifications were completed, those modifications could be placed on the CAB agenda.

Commissioner Berkbigler was concerned that the RPC had the ability to tell the County how and where to grow, and felt that was wrong since the County should be responsible for knowing where growth should take place. She understood the concerns of the RPC about urban sprawl, but believed the County had to grow. Commissioner Berkbigler requested a residential study be conducted.

Commissioner Weber suggested that the RPC educate citizens on the Regional Plan. She thanked the developer for reviewing and possibly modifying the application and working with the community.

Chairman Humke said Mr. Gordon had suggested the Board accept Option 4 in the recommendations and asked if staff agreed with that Option. Mr. Schiller replied that staff agreed with that Option.

Bill Whitney, Division Director, replied that staff had worked with the development on the arguments pertaining to the regional conformance and agreed with Option 4. Chairman Humke asked if the request for an amendment would return under a different case number. Mr. Whitney stated that the amendment number of MPA 12-001 would remain the same since the application would only be amended.

In response to the call for public comment, Greg Landrus said this project was in direct opposition of the area plan. He said staff was against the plan, but were directed by the Board to find reasons to approve the plan. He felt that was not an appropriate use of the Planning Department.

Melody Chutter said the residents had voiced their opposition to this non-conforming project on numerous occasions. As proposed, this was the wrong location for this project.

David Galleron stated his opposition to the proposed project.

Sherry Sosine said she moved to the Spanish Springs area for the rural lifestyle that was offered. She was disappointed that the Board was considering changing

the Master Plan that could bring more traffic, noise, people and vandalism, as well as the possible toll it could take on wildlife. She said government was supposed to represent the people; however, the people kept attending the meetings to voice opposition that kept falling on deaf ears.

George Mager said he enjoyed the rural lifestyle and was opposed to this ill-conceived project.

David Cencula said a remark had previously been made by the Board that the planners worked for them, but he felt that was an inaccurate statement. He said planners were provided by the taxpayers to advise the Board on planning issues, not to validate whims made by the Commissioners. By doubling the population, he said this project would double the demand for water, sewer, fire and police protection. If the Board voted to change the Master Plan to accommodate this project in a time of increased cynicism by citizens of government and elected officials, the Board would add to that cynicism.

Sandra Theiss said she had been allowed to build one house on her 10 acre property and enjoyed the rural area that was offered. However, this developer was requesting nine units, per acre, on 40 parcels equating to 360 units, 750 feet from her property. She said this would require a change to the Master Plan for over 2,000 acres, which the entire community was against. If approved, she said it would set a precedent and change the entire Regional Plan.

Dan Herman felt that this project was being forced on the citizens even though the citizens had been involved with the Master Plan for 15 years in the Spanish Springs area. He questioned how many of the Commissioners had received campaign contributions from the developer and/or the attorneys of the developer.

Kim Robinson, RPC Executive Director, noted that a Residential Housing study would be brought forward and agendaized on a Regional Plan Governing Board (RPGGB) agenda. She felt that an objection would not be filed by the County and understood there was the potential for a new project coming forward.

Nancy Parent, County Clerk, stated that Judy Lynch submitted a letter stating her concerns. A copy of the letter was placed on file with the Clerk.

Commissioner Hartung said the 60-day time limit would not be met with respect to the reconsideration application. He asked if the process would start over as a new application.

Paul Lipparelli, Legal Counsel, explained that the regional system contemplated if an entity, a City or the County, sent a proposed master plan amendment to the RPC, there was the possibility that the RPC would find the amendment not in conformance. The statutory scheme contemplated having that amendment being sent back to the original entity for modifications. He said there was a provision that the

application could be modified by the County and returned to the RPC, but before the County could modify the Master Plan Amendment, all the requirements applied to the Master Plan Amendment in the beginning would apply to the new amendment. He said the County would need to conduct hearings and undertake the public process outlined in statute in order to send a modified application to the RPC for approval. Mr. Lipparelli said the Board needed to decide whether to file an objection on the decision made by the RPC since that time would expire before the next scheduled Board meeting.

Commissioner Hartung indicated that campaign contributions received by the Board members were public documents and could be viewed on the State's website.

Commissioner Berkbigler moved that the Board not file an objection letter to the RPC and allow for staff to work with the developer to see if there was a way to fix the project and make it acceptable to all parties. Commissioner Weber seconded the motion.

Chairman Humke asked if the second part of the motion comported with Option 4 as noted in the staff report. Commissioner Berkbigler stated that was the intent. The seconder agreed.

Commissioner Hartung requested removing the word project since this was not a project, but was a Master Plan Amendment. The maker of the motion and the seconder agreed.

On call for the question, the motion passed on a 5 to 0 vote.

14-162 AGENDA ITEM 10 - MANAGER

Agenda Subject: "Recommendation to acknowledge receipt of the Washoe County Community Services Department Audit Report from the Internal Audit Division. (All Commission Districts.) Continued from February 11, 2014 County Commission meeting."

Alison Gordon, Internal Auditor, reviewed the audit conducted for the Community Services Department (CSD). She said an 11 question survey was conducted of the CSD employees that resulted in a 60 percent response rate. The survey found that many employees still felt there was room for improvements in efficiencies and effectiveness as well as improvement needed for communication between management and employees, and employee engagement. Ms. Gordon found that opportunities existed where the CSD could improve the sharing of staff between their divisions and programs. She said the CSD needed to work with County management and the Finance Department to determine the best way to implement the sharing of staff and the cross-functional sharing of costs between the various divisions and programs. She indicated that workloads and equipment needed to be reviewed before approving the sharing and training of staff, and written policies and procedures should be developed.

Ms. Gordon explained that the CSD needed to ensure that the assignment of the County Engineer was clarified and staff was properly classified within the new CSD structure. Currently, there were two employees holding the title of County Engineer, one that was appointed through Board approval in September 2011, and the other appointed through the job class specifications developed to accommodate the new CSD management structure; however, having two County Engineers created confusion amongst staff. She indicated there was a position classified as the Assistant Public Works Director of Engineering, but the Public Works Department no longer existed so that job classification needed to be reevaluated by the Job Evaluation Committee (JEC). Ms. Gordon found instances where the CSD time recording controls could be improved and found inappropriate time reporting for two employees, which had been occurring over multiple years prior to the CSD becoming a department. She felt refresher training should be provided to all CSD employees on the County's time recording policies and procedures. Ms. Gordon indicated that the CSD Roads Division needed to use an automated process to record their time since they currently prepared a manual timesheet and then administrative staff put the time into the SAP system. She said that process was not time efficient and the possibility existed for errors.

Ms. Gordon reviewed the administration of the parking garage on Liberty Street. She said parking agreements needed to be put in place and documented for all non-County tenants to ensure that those tenants complied with the policies and procedures. She said any adjustments made to non-County tenant fees needed to be documented and approved. She said the CSD needed to follow-up with any tenants that fell behind in paying the parking fees and then charge the late fees as described in the parking agreement. She noted that written policies and procedures also needed to be developed and documented. Ms. Gordon found that Equipment Services was not following their approved policies and procedures for preparing the annual rate model. For example, staff was not always using the budgeted amounts for the upcoming year as part of their operating and maintenance rate model analysis. She said Equipment Services began using direct charging for certain light and heavy vehicles, equipment repairs and maintenance for certain departments. She explained by using non-budgeted expenditures and direct charging certain vehicles and equipment caused the rate model to be incorrect and inequitable. Additionally, direct charging significantly affected the departments with the most heavy equipment since direct charges were not budgeted. She stated that the Equipment Services program needed to conduct annual physical inventories of the County's fleet, which had been an issue brought forward since the 2008 audit, but had never been implemented.

Ms. Gordon said opportunities also existed to improve the CSD's code enforcement process since compliance was inconsistent. The differences were in regard to limitations in language for codes used by the divisions and programs. Additionally, she conducted follow up on the Fiscal Year 2010 Audit Report for a building safety recommendation pertaining to code enforcement. She said the Building and Safety Division needed to perform additional follow up on violation notices issued and consider having Community Services Code Enforcement staff assist with the follow up.

In conclusion, Ms. Gordon said an implementation plan establishing responsibilities and timelines needed to be developed with County management and CSD staff. The plan would be reviewed by the Audit Committee and updates given at those meetings.

Commissioner Jung asked if there was any recourse for the employees that had been overpaid. Ms. Gordon said she was unable to answer that question since it pertained to labor.

Commissioner Jung inquired who oversaw and evaluated the Building and Safety Division. Dave Solaro, CSD Director, replied that he oversaw the Building and Safety Division; however, Don Jeppson was the County's Building Official and Division Director. Commissioner Jung inquired on the responsibility to follow up on recommendations that occurred in prior audits. Mr. Solaro replied that was his responsibility to follow up, and noted that those items would be corrected.

Commissioner Hartung thought the County Engineer was Kimble Corbridge and asked if that was correct. Mr. Solaro explained since the downturn in the economy many changes had occurred. He said the Public Works Director had also been the County Engineer, but when the Public Works Director left the organization, the Board appointed himself to the Acting Public Works Director position and Mr. Corbridge as the Acting County Engineer. As the CSD was created and went through the Hay Study for the creation of the Division Director positions, he said the Division Director of Engineering and Capital Projects would be tasked with the County Engineer position. However, about a year ago, he said some information was brought forward for the Board with some tasks to happen, which never occurred. One of those tasks was definition from the Board on who was the County Engineer. He commented that he would compile a staff report with recommendations on who should be recognized as the County Engineer in order for the Board to appoint that position.

Chairman Humke asked if it was a mistake to consolidate a number of departments to form the CSD. John Slaughter, County Manager, replied that much had been learned since the consolidation and, in the initial design of bringing five departments into one department, there were a number of tasks identified, such as ordinance changes and policy changes. He said some of those had not yet occurred and may have led to some of the issues identified in the audit.

Chairman Humke asked when the internal audit began. Ms. Gordon replied that the audit began in August of 2013 and the field work concluded in December 2013. Chairman Humke asked if departments were targeted for internal audits. Ms. Gordon explained that she prepared an annual risk evaluation, which then classified departments as either high-risk, medium-risk, or low-risk. She said a potential list was then taken to the Audit Committee for approval, but she also performed audits by request, such as the recent Truckee Meadows Fire Protection District (TMFPD) audit and the CSD audit. Chairman Humke asked for definitions on the categories of risk. Ms. Gordon replied there were inherent risks, detection risks and control risks, which were all

considered and assigned point values and rank. Chairman Humke asked what it showed when certain items were brought to a department's attention, but had not been rectified or remedied. Ms. Gordon remarked that the departments may not have felt that those recommendations were important or there was other work that needed to be completed.

Chairman Humke inquired about the staff comments about the decision to move the Parks and Open Space Department Reservation System. Mr. Solaro explained that part of the process to create the CSD was to recognize staff that had been depleted due to downsizing the organization. He said there were currently three locations staffed with CSD employees and noted there had been a fourth location, which was the Plumas Street Parks Office. The ability to support staff in four locations was the driving factor to move the reservation system to an area to better support the function. He said the ability to support that function from the Administration Complex with a reception desk made sense. Mr. Solaro stated the three existing locations were: the Administration Complex; the Utility Building on Energy Way; and, the facility on Longley Lane.

Commissioner Jung felt this was a matter of existing issues and/or transitional issues prior to the reorganization. Ms. Gordon agreed with that statement. Commissioner Jung requested updates of the recommendations be placed regularly on Board agendas to ensure the changes were implemented.

Mr. Slaughter added that this was the first completed audit under the new administration and noted that the 35 recommendations would be addressed to the satisfaction of the Board.

There was no public comment on this item.

Mr. Solaro appreciated the process conducted for the audit. He said it gave them opportunities to move forward and felt there was a plan in place to implement the recommendations. Chairman Humke supported the management of the CSD, but said there were many issues, such as better communication amongst staff and management and better customer service that needed to be improved.

Ms. Gordon thanked the CSD staff for being helpful and forthright as she completed the audit. She appreciated their openness and frankness.

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

14-163 AGENDA ITEM 12 – COMMUNITY SERVICES

Agenda Subject: “Discussion and direction to staff regarding Spanish Springs Stormwater Drainage and Flood Control Service Area user rates and connection fees in Spanish Springs and direction on the development of a Stormwater Utility for service areas within the unincorporated Truckee Meadows basin. (All Commission Districts.)”

Dave Solaro, Community Services Director, said the North Spanish Springs Flood Detention Facility was completed in 2008, was partially debt financed, and designed to take storm water run-off in the Spanish Springs Valley and, in a large event, meter that run-off into the City of Sparks storm water facilities. He said it was designed to accommodate a high intensity 100-year storm with a duration of 24 hours. He explained that storm water flows were captured in conveyance channels, sediment basins and then in a large detention/retention structure. He displayed three maps, which were placed on file with the Clerk, highlighting the North Spanish Springs Flood Detention Facility and where the Detention Facility essentially handled storm water, which was the unincorporated portion of Spanish Springs. On June 10, 2012, Mr. Solaro said a storm event of the design intensity occurred in a two-hour duration and the facility handled those storm water flows.

Due to the downturn in the economy, Mr. Solaro said other options had been exercised including utilization of a payment in the amount of \$2.7 million from the City of Sparks for their share of the project, which deferred a need for an immediate increase in fees. However, it was now time for debt payments to be made, but the current rates were not sufficient to support the debt payments. Initially, the project cost \$13.9 million to construct and paid for in part by bonds in the amount of \$11.1 million, with a current balance of \$8.1 million and would be paid off in approximately 12 years. He said there was the annual debt service of \$792,000 to pay the bonds back on a yearly basis, but rates only collected \$505,000 annually from the ratepayers leaving an annual deficit of \$287,000. He said the bond payments in the amount of \$396,000 occurred in January and July of each year and explained that funds were collected monthly from the users in the service area for water and sewer customers, and quarterly for those customers who did not have water or sewer service from the County.

Mr. Solaro said Option 1 would increase the debt service fee from \$7.34 per month to approximately \$13 per month to cover the annual current debt service. He said Option 2 would consider the implementation of an unincorporated County Stormwater Utility, but would not include Incline Village and far northern Washoe County. On February 24, 2009, he said the Board received a progress report related to the 2005 flood events and discussed the concept of a storm water utility. He said direction was given to staff at that time to explore policy issues within the storm water utility. Those policies were: the use of the Citizen Advisory Boards (CAB's) and other public information tools to dialogue directly with beneficiaries of a County-wide storm water utility; the potential to level Federal Emergency Management Agency (FEMA) or other agency funds to provide direct grants or loans to affected homeowners; other funding sources for storm water utility to discuss the nexus between costs and benefits; to prioritize projects and programs to assure fairness for all areas within the County; to review the relationships with rates and tolls under consideration by the Truckee River Flood Management Authority (TRFMA); review financial criteria standards to assure that the best projects were procured; and, that this be completed in conjunction with the TRFMA Director to determine if this fee could be integrated with their fee.

Mr. Solaro said TRFMA was now moving forward with their fee discussions, and staff felt it was time for the Board to discuss funding storm water within the County. Currently, storm water was funded by \$9.8 million from the Road Special Revenue Fund. He said street and storm water management was provided from that fund, with revenue coming from the Vehicle Fuel Tax, Ad Valorem Tax and a General Fund supplement. He said the normal operating costs for storm water within the County was about \$3 million on equipment, manpower and supplies, which equated to the \$9.8 million Road Special Revenue Fund. He said Option 2 consisted of implementing a County-wide storm water utility to pay for maintenance costs associated with storm water in the unincorporated County, which was different than flood water.

Mr. Solaro explained that storm water was a seasonal high intensity event versus the regional impacted flooding issues along the river corridor and tributaries. He said Option 2 would eliminate the debt service payments currently made by the customers in Spanish Springs by creating a storm water utility for maintenance of storm water assets throughout the County. He said the storm water utility money would go into the Roads Special Revenue Fund to take care of the storm water utility. He noted that the proposed cost would be \$5 to \$8 per month, per residential unit within the unincorporated County. He clarified that this fee would not involve Incline Village since they had special sets of circumstances dealing with Lake Tahoe, and would also not include far northern Washoe County, such as Gerlach and Vya.

Chairman Humke said if Lake Tahoe was at the peak and a storm event occurred sending more water down to the valley causing flooding throughout Washoe County, would that be considered storm water or a flood event. Mr. Solaro replied that was a combination of both. He said the general day-to-day operations that the detention basin dealt with would be storm water. Chairman Humke asked if there were other flood detention facilities throughout the County. Mr. Solaro indicated there was also a facility in Sun Valley, but those were the only two flood detention facilities in the County.

Commissioner Hartung commented that the map showed the sediment basin on Calle de la Plata and the detention basin, but he knew there were more contributing factors than those two small components, and felt there were many features that were not demonstrated on the map. He stated this was a regional issue and would prefer this be rolled into the TRFMA. Mr. Solaro indicated that this project had been in the works prior to the TRFMA. He said there were opportunities to discuss with the TRFMA on how this fit with their project in order to achieve an agreeable solution, but felt that needed to be directed from the TRFMA. He said the last thing he wanted to occur was stacking fees on citizens. Commissioner Hartung said the two projects were one project, but questioned how this would roll into one project since it covered storm water and flood management in the region. He suggested scheduling meetings in the Spanish Springs area to explain to citizens what they were paying for in order to alleviate some confusion.

Commissioner Berkbigler said Option 1 would be a rate increase for citizens in Spanish Springs that were currently paying that fee. Mr. Solaro stated that was

correct. Commissioner Berkbigler said Option 2 appeared to be area-wide, and she asked if that would be a new fee for all residents in the County and, if so, what was the new fee. Mr. Solaro replied that was also correct. He said the new fee would be between \$5 and \$8 per month to cover the maintenance of the storm infrastructure. Commissioner Berkbigler asked if that fee would be in addition to a TRFMA fee. Mr. Solaro explained that was the reason it was important to work with the TRFMA since the fee could be in addition to their base fee.

Mr. Solaro explained that the TRFMA was charged with controlling water from the Truckee River and key tributaries. He said much of the storm water did not go through those key tributaries, but went into a conveyance system to a flood detention facility or to the River. He said those were being differentiated since there was a reason for the TRFMA and then the storm water that was dealt with on a daily basis.

Jay Aldean, TRFMA Executive Director, explained that the TRFMA was defined and limited to the Truckee River, the North Truckee Drain to Interstate 80 (I-80), and Steamboat Creek to the Mira Loma area. He said the verb “to flood” meant water could flood anybody. He said water that hit the outer tributaries would be drainage tributary to the Truckee River and flowed to the Truckee River, the County, parts of the Cities of Reno and Sparks and then arrive at the Truckee River where it would be addressed by the Flood Project. He indicated that the definition of the TRFMA was held to a legal definition since water could flood anybody, anywhere, anytime. He said when the entities established the interlocal agreement, the project was defined to limit the banks of the Truckee River and the two key tributaries. Mr. Aldean stated there was a difference between the fee that the TRFMA would charge to the residents of Reno, Sparks and the County than the fee being discussed by Mr. Solaro, which was a storm water utility fee based on a benefit derived by the contribution mentioned. He said the storm water utility fee would be based on impervious area and was a different metric than the TRFMA. The combination of the fee would not be an efficient one and added that two fees would have to be maintained.

Commissioner Berkbigler inquired on the proposed amount for the flood fee. Mr. Aldean replied that the fee would be \$5 to \$8 for the regional benefit area. He explained that the direct benefit area could be two to three times that amount, which was an area directly benefitted by the flood plan, such as the Sparks Industrial area. Commissioner Berkbigler said the Flood Project fee would impact Incline Village, but the storm water fee would not impact that area. Mr. Solaro stated that would be correct if Option 2 was chosen. He said Lake Tahoe clarity was an issue for Incline Village and it was still trying to be determined, basin-wide, how that would be handled. Commissioner Berkbigler said that she wanted to be careful what was charged to Incline Village because those residents would have a fee placed on them for the catch basins being built.

In regard to Option 2, Commissioner Weber asked if all unincorporated areas would pay the fee. Mr. Solaro clarified that all unincorporated areas of the County except Incline Village and far northern Washoe County would pay the fee. Commissioner Weber asked if Sun Valley residents would need to pay the fee since they already had a

storm water detention facility. Mr. Solaro replied that under Option 2, the fee was for maintenance of storm water facilities. Commissioner Weber asked how the fee would impact citizens in the North Valleys, such as Cold Springs, Red Rock and Silver Knolls. Mr. Solaro replied it was a maintenance fee, such as the road side ditches and would be a way to treat all the unincorporated residents the same and all receiving the same benefits.

Commissioner Weber felt there needed to be an educational element for the public to understand the fees and the Flood Control Project before the Board voted. Mr. Solaro agreed. He said both options were offered to the Board for preference.

Chairman Humke said Option 1 appeared to use all user rates and connection fees and asked if those were intended not to be taxes. Mr. Solaro replied they were user fees. Chairman Humke said Option 2 appeared to be all taxes. Mr. Solaro replied that those would be user fees for maintenance of the facilities. He said the proposal was to utilize the General Funds currently being utilized to perform the maintenance aspect to cover the debt service; thereby eliminating the debt service fee to the users of the Spanish Springs Detention Facility by creating a fee for the maintenance of all storm water facilities within unincorporated Washoe County.

Commissioner Hartung said the facilities were currently in place; however, when a new user came on, they should not have the benefit of paying what everyone else paid because current residents had paid the debt service for years. He felt that new users should pay a higher connection fee since that facility was paid for and borne on the backs of the current residents.

In response to a question from Commissioner Berkbigler, Mr. Solaro replied that new construction paid a connection fee and a monthly fee. Commissioner Berkbigler had some concerns about varying the fees since it may create some confusion for citizens and staff.

Chairman Humke asked if staff wanted to have community meetings with the TRFMA. Specific to Option 2, Mr. Solaro said if the County created a storm water utility it would be in the best interest to attend those meetings with TRFMA so the customers understood the difference in the fees. He clarified that Option 1 was confined to the Spanish Springs area, but would invite Mr. Aldean to speak to those customers since they would be paying two fees.

Commissioner Hartung did not agree with Spanish Springs receiving a rate increase when it was discussed to manage the entire facilities across the County.

Commissioner Berkbigler said she was not willing to consider Option 2 and a fee increase to all citizens of the County. She said the issue on the debt services was a problem in the Spanish Springs area and would support Option 1.

Commissioner Berkbigler moved to support Option 1 – Increase User rates and Connection Fee. Commissioner Weber seconded the motion.

Commissioner Hartung stated that he would not support the motion.

There was no public comment on this item.

Chairman Humke was unclear why staff would go with the TRFMA to discuss the fees in the educational function. Mr. Aldean explained that the Flood Project would not be ready to go to the public regarding the project until a fee was defined, which could be two to three months.

Chairman Humke asked if the motion implied that there be an educational program. Commissioner Berkbigler stated that was correct. Commissioner Weber agreed and said both options should be reviewed in the education element.

Commissioner Berkbigler explained that her major concern on Option 2 was that it would offset the General Fund support for debt service by amounts collected each year from facility connection fees. She understood there would not be any new catchment basins built, but was to maintain the current basins. Mr. Solaro stated that was correct. He said there was a reliance on connection fees to help fund the debt service and explained that some assumptions were made in 2006 on how many connections there would be per year, but that funding model was not accurate based on the downturn of the economy. He said Option 2 would cover the debt service, and any new connection fees would be transferred to the General Fund. Mr. Solaro clarified that the connection fees were for the project in the North Valleys.

Commissioner Berkbigler said this was currently a problem of maintaining debt service for a property that was in Spanish Springs. She questioned why a fee should be raised for every citizen living in the unincorporated area of the County for the purposes of maintaining a debt service requirement in Spanish Springs.

On call for the question, the motion passed on a 4 to 1 vote with Commissioner Hartung voting “no.”

14-164 AGENDA ITEM 13 - MANAGER

Agenda Subject: “Update on the status of Washoe Regional Animal Services Future Operator Technical Advisory Team and possible direction to staff.”

Kevin Schiller, Assistant County Manager, stated that the Washoe County Sheriff’s Office (WCSO) had managed the Regional Animal Services since January 12, 2012, but were requesting a transition of the operations under the organizational structure and control of the County. Pursuant to staff direction to pursue all the alternatives, he said a Technical Advisory Team had been established and consisted of representatives from Human Resources, Budget, the Manager’s Office, M3 Planning as the facilitator, the District Attorney’s Office, Community Services staff and staff from the Cities of Reno and Sparks. He explained that the meetings began in January to review and identify

the model alternatives with analysis for the Board's review. He said the models that had been identified were:

- **County Management Model A:** Public/Non-Public Model Division within a Department.
- **County Management Model B:** Public/Non-Public Model Division within the County.
- **Fully Managed/Contracted Services** – Fully managed non-profit.
- **New Stand Alone Entity** (similar to the Flood project).
- **Fire Services** – (External model review.).

Mr. Schiller said there was discussion about the criteria that would be applied in the analysis of the alternatives with an anticipated completion date of March 30, 2014. A focus included alternatives and impacts to the current Interlocal Agreement between the County, the Cities of Reno and Sparks, the requirements of current voter approved funding, and required changes to the existing statute. He said financial evaluation, operations evaluation, legal evaluation and management evaluation would be reviewed. It was anticipated that the analysis would be completed and presented to the Board for review by the end of March.

Commissioner Hartung said Model A would be the same as placing Animal Services under Fire Services as a County department. Mr. Schiller replied that Fire Services was treated as a separate entity. Commissioner Hartung said Model B would be a new stand alone department and still under the County, but if Animal Services were a new stand alone entity, he asked who they would answer to. Mr. Schiller stated for either concept, the issue would be if Animal Services were to be placed under the Department of Social Services versus if it becomes the Department of Animal Services. In both cases, he said it would be overseen by the Board. Commissioner Hartung agreed and saw that as the same as Model B. He said Model C could place Animal Services with the Nevada Humane Society (NHS). Mr. Schiller stated that was correct and then the dialogue would be the separation of field operations related to shelter operations. Commissioner Hartung felt there were only three viable options.

John Slaughter, County Manager, explained that Model A would be a division in the County and, as a division, there would be some overhead that division would gain from the parent department. He said the fire services option was singled out separately because within the current model those were separate agencies from the current Animal Services within the County structure and was a stand-alone agency.

Commissioner Berkbigler said if the Board chose Model B, then Animal Services would answer to the County Manager, which was the difference between Models A and B. If it became a public, non-profit model, then the facilities management versus the external management could be discussed.

Chairman Humke said it appeared that an audit of Animal Services may be needed since management structures had been changed. He said the County was partners

with the Cities of Reno and Sparks for Animal Services, and he felt the partners were owed the benefit of a financial audit. He asked if that should be conducted before any management structure changes were made.

Commissioner Jung felt that should be conducted at the same time the department was being stood up since this had to be completed by July 1st. Mr. Schiller replied that could occur simultaneously and either audit would review financial and operations for the program and funding.

Commissioner Hartung asked if the County currently owned the NHS facility. Mr. Schiller said that was correct. Commissioner Hartung suggested the audit also include NHS and their facility.

Chairman Humke asked if some of the duties, such as police powers were non-delegable to a private, non-profit. Mr. Schiller stated that was correct. Chairman Humke said statute noted that NHS was open to police officer powers. Mr. Schiller replied that the latest dialogue indicated that the County Code would need to be changed, which could be brought back to the Board to specifically outline what would be required or if it was required specific to the legal opinion. He said there had been some debate if NHS employees were law enforcement officers or carried out the regulatory practices tied to violations. Chairman Humke stated he was attempting to eliminate options and thought Model C was not viable. He asked if Fire Services was a serious review. Mr. Schiller said Fire Services had been identified as an option to be reviewed, but there had not been many models located externally to use as an evaluation tool for that to be a good option.

Mr. Slaughter commented that he found two models in other States where Emergency Services operated Animal Services and would use those to review that option and run through the outlined criteria. Chairman Humke stated there were four fire services in the region, but he did not see how that would work for an over-arching County-wide function such as Animal Control. Commissioner Hartung viewed that option being similar to Model A.

Commissioner Jung felt that staff would study all the options and identify any legal or financial implications and/or voter implications and then bring those back to the Board. She said this was not the time for the Board to be debating since nothing was known. She believed it was inappropriate for any Commissioner to lobby for a specific model when it was unknown what the best model was since the implications had not been determined.

Commissioner Jung moved to acknowledge the update on the status of Washoe County Regional Animal Services Future Operator Technical Advisory Team and direct staff to review all the options. Commissioner Berkbigler seconded the motion.

Commissioner Berkbigler suggested adding the different options staff reviewed as well as the issues and concerns forward by constituents and bring those back in the report. The motioner agreed.

Commissioner Weber asked if the audit component would be placed in the motion. She said staff was being requested to conduct a great deal of work in a short period of time. If there were options that should not be included, she felt staff should not spend time on those. Commissioner Weber did not believe Fire Services was an appropriate department for Animal Services and should not be an option.

Commissioner Jung withdrew the motion.

Paul Lipparelli, Legal Counsel, stated that the Fire Service option had problems because the way fire service was arranged with revenue arriving from property owners of the District. He said the fully-managed, privatized approach would also be legally difficult with the problems that may arise with labor negotiations by taking the services out of the public realm and placing them into a private realm. In addition, much of the funding for Animal Services came from voter overrides, and representations were made to the voters on how services would be provided, which included an element of involvement by NHS.

Chairman Humke suggested striking the fourth model, a new stand alone entity, since he did not see that as over-arching. He suggested focusing on Model A and Model B.

Commissioner Jung stated that the Board was again speculating. She suggested staff analyze all five options and then eliminate the options found not to be workable or feasible. She had no interest in identifying three options, but believed the five options presented were fully vetted by County staff and by staff from the Cities of Reno and Sparks.

Commissioner Jung moved that staff continue to put the due diligence and evaluate all the options, and have either an external or internal audit performed. Commissioner Weber seconded the motion.

Commissioner Hartung said Fire Services was similar to any other department and felt there were three options, Model A, B and C. He said it was incumbent of the Board to attempt to narrow the options so staff did not have to review and vet every option.

Commissioner Berkbigler suggested pulling the fully-managed contracted services and the non-profit from the analysis since legal direction was accurate and that it would be difficult to do as a County. The maker of the motion and the seconder agreed.

Commissioner Hartung said he would pull the Fire Services option and review any department that looked viable to staff. Chairman Humke said that had a specificity which could be under Model B for any department. Mr. Schiller said there could be something applied where Fire Services fell within the analysis.

Chairman Humke said there was discussion pertaining to an internal audit or an external audit and asked if that should be determined by the Manager. Commissioner Hartung agreed, but said an external audit would cost more than an internal audit.

Mr. Slaughter noted that an internal programmatic audit was conducted on Animal Services within the last year. He said this focus would be on a financial audit and suggested that be an external audit.

Nancy Parent, County Clerk, stated that the motion was for staff to continue their due diligence including an audit, inside or outside, and to pull bullet No. 3 from the due diligence.

Commissioner Hartung said it was also agreed upon to pull Fire Services from the options.

Ms. Parent said in addition to the motion as stated, Fire Services would also be pulled and an external financial audit be conducted. Chairman Humke said the external audit was not part of the motion and was only suggested by the Manager. Ms. Parent stated then the audit stood as either internal or external. Chairman Humke clarified that would be management discretion.

There was no public comment on this item.

On call for the question, the motion passed on a 5 to 0 vote.

Mr. Schiller recommended agendizing the discussion pertaining to the Trap-Neuter-Return program to a future meeting.

2:55 p.m. The Board recessed.

6:01 p.m. The Board reconvened.

14-165 AGENDA ITEM 15 – COMMUNITY SERVICES

Agenda Subject: “Development Code Amendment Case Number DCA13-002 (School Development Standards). Second reading and adoption of an Ordinance technically amending the Washoe County Code at Chapter 110, Development Code, by creating a new Article 440, Public School Facilities Design Standards, to implement the requirements of AB87 of the 2013 Legislature by creating common standards for development of schools between Washoe County and the two municipalities within Washoe County, and providing for other matters properly relating thereto (Bill No. 1705). (All Commission Districts.)”

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.

Nancy Parent, County Clerk, read the title for Ordinance No. 1524, Bill No. 1705.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Ordinance No. 1524, Bill No. 1705, entitled, "**AN ORDINANCE TECHNICALLY AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, BY CREATING A NEW ARTICLE 440, PUBLIC SCHOOL FACILITIES DESIGN STANDARDS, TO IMPLEMENT THE REQUIREMENTS OF AB 87 OF THE 2013 LEGISLATURE BY CREATING COMMON STANDARDS FOR DEVELOPMENT OF SCHOOLS BETWEEN WASHOE COUNTY AND THE TWO MUNICIPALITIES WITHIN WASHOE COUNTY, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

14-166 AGENDA ITEM 16 – COMMUNITY SERVICES

Agenda Subject: “Master Plan Amendment Case Number MPA13-003 (High Desert Area Plan) – Adopt Master Plan Amendment Case Number MPA13-003 (High Desert Area Plan) to amend the High Desert Area Plan, being a part of the Washoe County Master Plan, by relocating the Industrial Master Plan category on APN 071-220-28 to the actual location of the industrial use. To reflect requested changes and to maintain currency of general area plan data, administrative changes to the High Desert Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments; and, if approved, authorize the Chair to sign a resolution to adopt the amendment to the High Desert Area Plan after a determination of Truckee Meadows Regional Plan conformance by the Regional Planning Commission. (Commission District 5.) To be heard before Agenda Item #17.”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Master Plan Amendment Case Number MPA13-003 (High Desert Area Plan). There being no response, the hearing was closed.

On motion by Commissioner Weber, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that Agenda Item 16 be approved, authorized, executed, adopted and all the findings be affirmed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-167 AGENDA ITEM 17 – COMMUNITY SERVICES

Agenda Subject: “Regulatory Zone Amendment Case Number RZA13-003 (High Desert) – Adopt Regulatory Zone Amendment Case Number RZA13-003 (High Desert) to amend the High Desert Regulatory Zone map, and becoming effective following Master Plan Amendment Case Number MPA13-003’s adoption by the Washoe County Commission and a finding of conformance with the Truckee Meadows Regional Plan by the Regional Planning Commission. The amendment request involves relocating the Industrial (I) Regulatory Zone designation on APN 071-220-28, to the industrial area of use; and to remove the Public and Semi-Public Facilities (PSP) Regulatory Zone designation, changing it to General Rural (GR) on APNs 071-220-28 and 071-220-26. To reflect requested changes and to maintain currency of general planning area data, administrative changes are proposed. These administrative changes include a revised map with updated parcel base, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments. (Commission District 5.) To be heard after Agenda Item #16.”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Regulatory Zone Amendment Case Number RZA13-003 (High Desert). There being no response, the hearing was closed.

On motion by Commissioner Weber, seconded by Commissioner Berkbigler, which motion duly carried, it was ordered that Agenda Item 17 be approved and all the findings be affirmed.

14-168 AGENDA ITEM 18 – COMMUNITY SERVICES

Agenda Subject: “Master Plan Amendment Case Number MPA13-004 (Tahoe Area Plan) – Adopt Master Plan Amendment Case Number MPA13-004 (Tahoe Area Plan) to amend the Tahoe Area Plan, a part of the Washoe County Master Plan. The amendment request is to change the Master Plan category for 341 Ski Way (APN 131-233-38) from Rural to Commercial. To reflect requested changes and to maintain currency of general area plan data, administrative changes to the Tahoe Area Plan are proposed. These administrative changes include a revised map series with updated parcel base, an updated Planned Land Use Table and applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments; and, if approved, authorize the Chairman to sign the resolution, included as Attachment 1 to this staff report, to adopt the amendment to the Tahoe Area Plan after a determination of conformance with the Tahoe Regional Plan by the Tahoe Regional Planning Agency. (Commission District 1.) To be heard before Agenda Item #19.”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Master Plan Amendment Case Number MPA13-004 (Tahoe Area Plan). There being no response, the hearing was closed.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 18 be approved, authorized, executed, adopted and all the findings be affirmed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-169 AGENDA ITEM 19 – COMMUNITY SERVICES

Agenda Subject: “Regulatory Zone Amendment Case Number RZA13-004 (Tahoe) – Adopt Regulatory Zone Amendment Case Number RZA13-004 (Tahoe) to amend the Tahoe Regulatory Zone map to become effective following Master Plan Amendment Case Number MPA13-004’s adoption by the Washoe County Commission and a finding of conformance with the Tahoe Regional Plan by the Tahoe Regional Planning Agency. The amendment request involves changing the Regulatory Zone designation of one parcel from Public Semi-Public Facilities to Neighborhood Commercial. The property is located at 341 Ski Way (APN 131-233-38) within Section 14, T16N, R18E, MDM, Washoe County, Nevada. To reflect requested changes and to maintain currency of planning area data, administrative changes are proposed. These administrative changes include a revised map with updated parcel base, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments. (Commission District 1.) To be heard after Agenda Item #18.”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against Regulatory Zone Amendment Case Number RZA13-004 (Tahoe). There being no response, the hearing was closed.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 19 be approved and all the findings be affirmed.

14-170 AGENDA ITEM 20

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to.”

Commissioner Jung said she attended the Regional Planning Governing Board (RPGB) and the Community Assistance Center Transitional Board meetings. She said the Regional Job Networks meeting was held and information was provided on AB 249, which was the emerging Local Small Business Preference bill. She requested staff ensure that the purchasing agent was aware of the bill. Commissioner Jung reported that she attended a Leadership Forum for Senior Services about the draft Master Plan and also attended the Oversight Panel for School Facilities.

Commissioner Hartung attended the Nevada Land Transfer Task Force and noted that most of the data had been collected. He said there may be some loss of

Payment in Lieu of Taxes (PILT) funding, but in going through the process it was important to remember that the outcome could be far greater for Nevada and Washoe County. He attended the RPGB meeting and noted that a workshop would be scheduled regarding growth and the Regional Plan. He said he attended groundbreaking for the North Truckee Drain, which was an integral component of the flood management project and would lower the flood water in the Sparks industrial area.

Commissioner Berkbigler announced that she also attended the RPGB. She conducted a “Commissioner Conversation” meeting and had another one scheduled in Incline Village on February 27th. She said the Tahoe Regional Planning Agency (TRPA) was scheduled to meet on February 26th and noted they were successful in approving an extension for an existing pier. She also attended the Tahoe Transportation District (TTD) Commission and the Board of Directors meetings where plans were discussed for the bike trail, parking and transportation issues.

Commissioner Weber announced that a video conference for the Commission on Aging was scheduled for March 21st, which was sponsored by the Nevada Association of Counties (NACO). She said the Regional Transportation Commission (RTC) was also scheduled to meet on March 21st. She reported that the Reno-Sparks Convention and Visitors Authority (RSCVA) meeting was scheduled for February 27th and that she would be attending meetings in Washington D.C.

Chairman Humke reported on the Criminal Justice Advisory Committee (CJAC) meeting. He attended an RTC workshop and the Organizational Effectiveness Committee (OEC) meeting. He requested staff research the Western Nevada Development District to see if that Board was still active, and if he was still on the active member list.

14-171 AGENDA ITEM 21

Agenda Subject: “Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.”

There was no closed session scheduled.

14-172 AGENDA ITEM 23 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three 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 three minutes per person. Comments are to be made to the Commission as a whole.”

There was no response to the call for public comment.

* * * * *

6:30 p.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, the meeting was adjourned.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

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

RESOLUTION

A RESOLUTION DECLARING WASHOE COUNTY'S INTENT TO SELL FOR PUBLIC AUCTION GALENA CREEK SURFACE WATER RIGHTS IN EXCHANGE FOR TRUCKEE RIVER MAIN-STEM WATER RIGHTS; AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, NRS 244.282 provides that the Board of County Commissioners may sell by public auction the County's real property, including water rights, if the Board determines that such a sale is in the County's best interest; and

WHEREAS, Washoe County owns 191.49 acre feet of Galena Creek Water Rights under Permit Nos. 25334 and 25335, Certificates Nos. 8476 and 8477, respectively; and

WHEREAS, Washoe County declares its intent to sell by public auction 191.49 acre feet of Galena Creek Water Rights in exchange for 157.45 acre feet of Main Stem Truckee River Water Rights with an exchange ratio of 1.35 Galena Creek Water Rights for 1.11 Main Stem Truckee River Water Rights; and

WHEREAS, the water rights to be sold at public auction have been appraised at \$3,301.24 per acre foot; and the water rights to be accepted for exchange have been appraised at \$5,500.00 per acre foot per acre foot; now, therefore, be it

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RESOLVED by the Board of County Commissioners of Washoe County:

1. Washoe County declares its intent to place 191.49 acre feet of Galena Creek Water Rights originating under Orr Ditch Decree Claim No. 652, and under Permit Nos. 25334 and 25335, Certificates Nos. 8476 and 8477, respectively for sale pursuant to the auction process set forth in NRS 244.282.

2. Pursuant to NRS 244.282(1)(b), the Board declares the following to be the minimum terms for any offer for the purchase of 191.49 acre feet of Galena Creek Water Rights:

a. The exchange of a minimum of no less than 157.45 acre feet of Main Stem Truckee River Water Rights with a minimum exchange ratio of 1.35 Galena Creek Water

Rights for 1.11 Main Stem Truckee River Water Rights, and the Board declares that it will not sell the property for less than that minimum number of acre feet of Main Stem Truckee River Water Rights or a minimum exchange ratio.

b. The purchaser agrees to execute an agreement for the purchase of the water rights substantially in the form of the Water Rights Exchange Agreement attached hereto as Exhibit A.

c. The purchaser acknowledges the Galena Creek Water Rights are under Permit Nos. 25334 and 25335, Certificates Nos. 8476 and 8477, respectively attached hereto as Exhibit B.

d. The purchaser acknowledges that Washoe County will be selling the Galena Creek Water Rights in exchange for a minimum of 157.45 acre feet of Main Stem Truckee River Water Rights , with approved Municipal Permits in place; with the acceptability of said Main Stem Truckee River water rights shall be at the sole discretion of Washoe County;

e. Bids must be submitted to the Washoe County Community Services Department, Engineering and Capital Projects, 4930 Energy Way, Reno, Nevada, Attention: Vahid Behmaram, no later than 9:00 a.m. on Friday, March 21, 2014.

3. A meeting of the Board will take place at the regular place of meeting in the Chambers of the Washoe County Administration Complex, Building A, 1001 East Ninth Street, Reno, Nevada at 6:00 p.m. on March 25, 2014, at which sealed bids will be received and considered.

4. At the meeting, all sealed bids will be opened, examined and declared by the Board.

5. Of the proposals submitted which conform to all terms and conditions specified in this resolution and which are made by responsible bidders, the bid which is the highest will be finally accepted, unless a higher oral bid is accepted or the Board rejects all bids.

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6. Before accepting any written bid, the Board shall call for oral bids. If upon the call for oral bidding, any responsible person offers to buy the water rights upon the terms and conditions set forth in this resolution, for an acre feet exchange ratio or total amount of Main Stem Truckee River Water Rights exceeding the highest written bid, then the highest oral bid which is made by a responsible person will be conditionally accepted, pending the Board's final acceptance, if so granted.

7. The final acceptance by the Board may be at the meeting or any adjourned session of the same meeting held within the ten (10) days next following the meeting.

8. The Board may, either at the meeting or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

9. The Board authorizes and directs the chairman to execute a deed and deliver it upon performance and compliance by the purchaser with all terms and conditions of the purchase agreement, which are to be performed concurrently therewith.

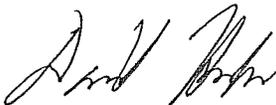
ADOPTED this 25 day of Feb., 2014 by the following vote:

AYES: Commissioners: Humke, Weeber, Jung, Benkbigler, Hartung

NAYS: none

ABSENT: none

ABSTAIN: none



David Humke, Chairman
Washoe County Commission


ATTEST


Nancy L. Parent
Washoe County Clerk

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Exhibit A

WATER RIGHTS EXCHANGE AGREEMENT

This Water Rights Exchange Agreement (the "Agreement") is effective on the date the last party executes this Agreement (the "Effective Date"), and is entered into by and between WASHOE COUNTY, a political subdivision of the State of Nevada, (hereinafter "County") and _____, a Nevada Corporation/a Nevada Limited Liability Company/an individual. (hereinafter "_____"). County and _____ are referred to herein individually as "Party" or collectively as the "Parties."

The parties have agreed to enter into this Agreement with acknowledgement of the following recited facts, each of which is incorporated into the Agreement by this reference and made a part hereof.

RECITALS

WHEREAS, County owns and manages certain real property necessary to serve the interests of Washoe County residents, including those certain 191.49 acre feet of Galena Creek Water Rights, originating under Orr Ditch Decree Claim No. 652, Permit Nos. 25334 and 25335, and Certificate Nos. 8476 and 8477 ("Galena Creek Water Rights"), as more particularly described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, To better manage the real property assets of Washoe County and to better serve its residents, the Board of Washoe County Commissioners recognizes the need to sell by public auction the Galena Creek Water Rights and acquire in exchange ___ acre feet of Main Stem Truckee River Water Rights originating under Orr Ditch Decree Claim No. _____ ("Truckee River Water Rights"), all right, title and beneficial interest of which is currently owned by _____, as more particularly described in Exhibit "B" attached hereto and incorporated herein.

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NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, including the covenants, representations, warranties and agreements herein contained, the parties hereby agree as follows.

ARTICLE I
EXCHANGE OF WATER RIGHTS

§1.01 General. Subject to and in accordance with the terms and conditions of this Agreement, County and _____ hereby agree to the exchange of all right, title and beneficial interest in the Galena Creek Water Rights for all right, title and beneficial interest in the Truckee River Water Rights. Upon satisfaction of all conditions set forth below, the Galena Creek Water Rights will be exchanged for the Truckee River Water Rights between the County and _____ by WATER RIGHTS GRANT, BARGAIN, and SALE deed ("Deed") in the form attached hereto as Exhibit "C", to be recorded at Closing.

ARTICLE II
TITLE TO WATER RIGHTS

§2.01. Title to Water Right. The Parties shall convey to each other at Closing (as defined below) good, marketable fee simple title to and all rights and beneficial interest in the Galena Creek Water Rights in exchange for the Truckee River Water Rights by execution and delivery of the Deeds. The Galena Creek Water Rights and Truckee River Water Rights shall be free and clear of all liens, exceptions and other encumbrances except those approved in writing by the Parties during the Due Diligence Period.

§2.02. Removal of Financial Encumbrances. On or before the expiration of the Due Diligence Period, each Party shall remove from record title any financial encumbrances relating to the Water Rights each Party respectively owns, satisfactory in form and substance to the other Party.

ARTICLE III
INSPECTION AND EVALUATION
OF THE WATER RIGHTS

§3.01. Inspection of Documents. Each Party shall use its best efforts to provide or make available to the other Party for inspection and copying, copies of all appraisals, surveys, evaluations, or audits of the Water Rights being exchanged between the Parties and all other documents reflecting the nature, extent and validity of the Water Rights on record with the Washoe County Recorder or the Nevada Division of Water Resources, and any other documents and information in the possession or control of the Parties and pertaining to the Water Rights and all other items which the Parties deem reasonably necessary to conduct its due diligence review of the Water Rights exchanged.

§3.02. Due Diligence. Each Party shall have fifteen (15) days from the Effective Date of this Agreement to perform a due diligence review of the Water Rights (the "Due Diligence Period"). The Parties acknowledge that their due diligence review of the Water Rights may include evaluation by each of them and, if deemed necessary, consultation with the Nevada State Engineer's Office and the Federal Water Master as to the nature, extent, quantity and validity of the Water Rights. Each Party shall provide or make available to the other, upon the other Party's written request, the items identified in paragraph 3.01 above within five (5) business days of any such written request. Each Party agrees to cooperate with and assist the other Party in its due diligence review of the Water Rights and any records, documents, and information regarding the Water Rights, provided that such investigation shall be conducted during normal business hours or at such time as is reasonable and necessary to conduct the investigation.

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ARTICLE IV
CONDITIONS PRECEDENT TO CLOSING

Each Party's obligations under this Agreement are expressly conditioned on, and subject to satisfaction of the following conditions precedent:

§4.01. Performance by the Parties. Each Party shall have timely performed all of its obligations required by this Agreement.

§4.02. Representations and Warranties True. The representations and warranties of each Party contained herein shall be true and correct as of the Closing Date.

§4.03. Title. Each Party shall have reviewed and approved the condition of title to the Water Rights being exchanged.

§4.04. Right to Terminate. The foregoing conditions contained in this Article IV are intended to be for the mutual benefit of the Parties. If any of the foregoing conditions are not satisfied, each Party shall have the right, at its sole election, either to waive the condition in question and proceed with the exchange or to terminate this Agreement upon written notice to the other Party and, if applicable, Escrow Holder, whereupon this Agreement shall automatically terminate, any fees, deposits or payments shall be distributed as otherwise provided in this Agreement, and neither party hereto shall have any further rights or obligation hereunder.

ARTICLE V
OPERATIONS PENDING CLOSING

§5.01. Operations Pending Closing. Each Party hereby agrees from and after the date hereof until the Closing or the termination of this Agreement to perform all of its material obligations under any existing mortgages, leases, contracts, licenses and permits that may be applicable to the Water Rights being exchanged, if any.

§5.02 Actions Regarding Water Rights. Each Party shall not take or permit any action that could be construed as or have the effect of a forfeiture, abandonment or relinquishment of its Water Rights, in whole or in part.

§5.03 Condition of Title. Each Party hereby agrees from and after the date hereof until the Closing or the termination of this Agreement that each Party will not:

- A. Take any action that will adversely affect title to or beneficial interest in the Water Rights owned by that Party; or
- B. Lease, rent, assign, mortgage, encumber the Water Rights, or permit any encumbrances, liens or exceptions, which affect any portion of the Water

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Rights owned by that Party, without the prior written consent of the other Party, which the other Party may grant or withhold in its sole and absolute discretion.

ARTICLE VI
CLOSING AND ESCROW

§6.01 Closing. The Closing hereunder ("Closing") shall be held, and delivery of all items to be made at the Closing under the terms of this Agreement shall be made, at the offices of County located at 4930 Energy Way ten (10) business days following expiration of the Due Diligence Period or such other date as _____ and County may mutually agree in writing (the "Closing Date"). All documents shall be deemed delivered on the date that the Deeds are executed and delivered to the other Party.

§6.02 Delivery by the Parties. On or prior to the Closing Date, each Party shall deliver to the other Party the fully executed and duly acknowledged Deed conveying good, marketable fee simple title to and beneficial interest in the Water Rights being exchanged between them, free and clear of all liens, encumbrances or other defects in the form set forth in Exhibit "C", and ready for recordation on the Closing Date.

§6.03 Costs and Expenses. Each Party shall bare its own costs, expenses and all taxes and assessments due to the Federal Water Master for calendar year 2014.

ARTICLE VII
REPRESENTATIONS AND WARRANTIES

In order to induce the Parties to enter into this Agreement and the transactions contemplated hereby, each Party makes the following representations and warranties to the other Party as of the date of this Agreement and again as of the Closing Date.

§7.01 Title. As of the Closing Date, the other Party shall have good, marketable fee simple title to and all rights and beneficial interests in the Water Rights being conveyed, free and clear of all liens, encumbrances and exceptions except those approved by the receiving Party in writing during the Due Diligence Period, and the Party conveying the Water Rights is aware of no matters which adversely affect title thereto. The Party conveying the Water Rights shall have obtained all necessary Approvals for the Water Rights and the Water Rights have neither been forfeited, abandoned, relinquished nor cancelled, and there is no impediment, legal or otherwise, to the use of the Water Rights.

§7.02 No Litigation. To each Party's actual knowledge, there is no claim, litigation, action, arbitration, legal, administrative or other proceeding, investigation or inquiry pending or threatened against the Water Rights or pending or threatened against County which could affect title of the Water Right, or affect the value or use of the Water Rights, or subject the other Party to liability, nor is there any basis known to the Party conveying the Water Rights for any such claim, litigation, action,

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arbitration, proceeding, investigation or inquiry.

§7.03 No Leases. There are no leases, licenses, permits, assignments or other agreements granting any person or entity the right to use the Water Rights or any portion thereof.

§7.04 No Prior Options, Sales, Leases, or Assignments. Neither Party has granted any options, right of first refusal or entered into any other agreement that would commit or obligate the conveying Party, in any manner whatsoever, to sell, lease or assign the Water Rights or its beneficial interest in them, or any portion thereof, to any party other than receiving Party.

§7.05 No Defaults. To each Party's actual knowledge based on reasonable inquiry, neither the execution of this Agreement, the consummation of the transactions contemplated thereby, nor the fulfillment of the terms hereof, will conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under, any agreement or instrument which affects the other Party's rights or the Water Rights or any portion thereof, or to which the conveying Party or the Water Rights are subject or any applicable law, rule or regulation of any governmental body having jurisdiction over the conveying Party or the Water Rights.

§7.06 Reports. All certificates and documents containing factual information to be made available by County or by County's agents in connection with this Agreement, to the best of each Party's knowledge, are true and correct and do not and shall not contain any untrue statement of material fact or omit to state any material fact which would tend to be misleading, in light of the circumstances under which they are made.

Each of the above representations and warranties is material and has been relied upon by each Party in making its decision to enter into this Agreement, and shall survive the Closing contemplated by this Agreement and shall not merge with the Deeds to the Water Rights being exchanged.

ARTICLE VIII **MISCELLANEOUS**

§8.01 Notices. All notices to be given by either party to the other pursuant to this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally, sent by nationally recognized overnight delivery service, sent by facsimile transmission, or by certified or registered mail, return receipt requested and addressed as set forth below. Notices shall be deemed to have been given and delivered upon receipt if hand delivered. Any party, by written notice to the other as above described, may alter the address for receipt by it and its agents of written notices hereunder.

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To _____:

To County: Washoe County Dept. of Community Services
4930 Energy Way
Reno, Nevada 89502
(fax) (775) 954-4610

§8.02 Risk of Loss. All risk of loss shall remain with the Party who owns the Water Rights until Closing, including diminution in the quantity of the Water Rights through any cause whatsoever, including amendment to laws or regulations.

§8.03 Time of the Essence. Time is of the essence of this Agreement.

§8.04 Survival. All provisions of this Agreement which involve obligations, duties or rights which have not been determined or ascertained as of the Closing Date and all representations, warranties and indemnification made in or to be made pursuant to this Agreement shall not merge with the Deeds to the Water Rights being exchanged upon recordation and shall survive the Closing Date.

§8.05 Captions. The captions of this Agreement are for convenience of reference only and in no way define, limit or describe the scope or intent of this Agreement.

§8.06 Remedies Upon Default. In the event that either Party defaults in the performance of any of the obligations under this Agreement, the other Party shall only have the right to terminate this Agreement upon written notice without liability to the defaulting Party.

§8.07 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Nevada. Venue shall be in Washoe County, Second Judicial District Court.

§8.08 Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations, and understandings. No modification or amendment of this Agreement may be made except by written agreement signed and acknowledged by the parties.

§8.09 Waiver. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

§8.10 Authority. The individuals signing below represent and warrant that they have authority to execute this Agreement.

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Washoe County, a political subdivision of the State of Nevada:

By: _____ Date: _____
David Humke, Chairman
Washoe County Commission

Attest:

By: _____ Date: _____
Nancy Parent, County Clerk

Approved as to Form:
RICHARD GAMMICK
Washoe County District Attorney

By: _____
Peter C. Simeoni
Deputy District Attorney

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Counterpart Signature Page

_____, a Nevada Corporation/a Nevada Limited Liability
Company/an individual.

By: _____ Date: _____

Title: _____

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Exhibit A

CORRECTED CERTIFICATE

Application No. 25334 Certificate No. 8476 Book 27 Page 8476

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Richard W. Arden (agent) has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Galena Creek through Steamboat Creek and Crane Ditch for as decreed purposes. The point of diversion of water from the source is as follows:

SW¼ NW¼ Section 8, T.17N., R.20E., M.D.B.&M.,
or at a point from which the W¼ corner of said
Section 8 bears S. 51° 54' 30" W., a distance
of 808.12 feet situated in Washoe County,
State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	George F. Curti and Gladys A. Curti
Source:	Galena Creek
Manner of Use:	As Decreed
Amount of appropriation:	0.547 c.f.s., but not to exceed 98.325 acre-feet per annum
Period of use:	As Decreed
Date of priority of appropriation:	As Decreed

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Description of land to which the water is appurtenant:

35.4 acres in the NE¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
30.1 acres in the SE¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
23.1 acres in the SW¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
18.8 acres in the NW¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
8.4 acres in the SW¼ SW¼ Section 22, T.18N., R.20E., M.D.B.&M.
26.1 acres in the NW¼ SW¼ Section 22, T.18N., R.20E., M.D.B.&M.
0.7 acres in the SW¼ NW¼ Section 22, T.18N., R.20E., M.D.B.&M.
12.6 acres in the NW¼ NE¼ Section 28, T.18N., R.20E., M.D.B.&M.
155.2 Acres Total

This certificate changes the point of diversion and place of use of Claim No. 652, Truckee River Final Decree, in Equity Docket A-3, in the District Court of the United States of America in and for the District of Nevada.

This certificate is issued subject to the terms of the permit.

continued

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of DECEMBER, A.D. 19 93.

R. Michael Turnipseed
State Engineer

bk/sb

Abrogated By ^{part} 189410-T.0.547

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CORRECTED CERTIFICATE

Application No. 25335 Certificate No. 8477 Book 27 Page 8477

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Richard W. Arden (agent) has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Galena Creek through Steamboat Creek and Chandler Ditch for as decreed purposes. The point of diversion of water from the source is as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T.17N., R.20E., M.D.B.&M.,
or at a point from which the W $\frac{1}{4}$ corner of said
Section 8 bears S. 51° 54' 30" W., a distance
of 808.12 feet situated in Washoe County,
State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	Ubaldo J. Bianco (aka Bud Bianco) and Emily D. Bianco
Source:	Galena Creek
Manner of Use:	As Decreed
Amount of appropriation:	0.825 c.f.s., but not to exceed 148.275 acre-feet per annum
Period of use:	As Decreed
Date of priority of appropriation:	As Decreed

Description of land to which the water is appurtenant:

7.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T.18N., R.20E., M.D.B.&M.
6.9 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T.18N., R.20E., M.D.B.&M.
28.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T.18N., R.20E., M.D.B.&M.
3.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M.
25.1 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M.
0.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M.
34.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
12.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
0.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
4.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
124.2 Acres Total

This certificate changes the point of diversion and place of use of Claim No. 652, Truckee River Final Decree, in Equity Docket A-3, in the District Court of the United States of America in and for the District of Nevada.

This certificate is issued subject to the terms of the permit.

continued

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The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of DECEMBER, A.D. 19 93.


State Engineer

bk/sb

141570

Exhibit B

(Placeholder for legal description of Main Stem Truckee River
Water Rights to be acquired by Washoe County.)

Exhibit C

APN: N/A

When recorded, return to:

Washoe County
Attn: Community Services Dept.
4930 Energy Way
Reno NV 89502

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

WATER RIGHTS GRANT, BARGAIN AND SALE DEED

_____, a Nevada corporation/a Nevada Limited Liability Company/an individual located at _____ (“GRANTOR”), hereby conveys to WASHOE COUNTY, a political subdivision of the State of Nevada (“GRANTEE” or “County”), the water rights more specifically described below.

WITNESSETH:

251-171

For and in consideration of the sum of TEN Dollars (\$10.00), the receipt and sufficiency of which are hereby acknowledged and in consideration of compliance with Washoe County’s water rights dedication requirements, GRANTOR hereby grants, bargains and sells to GRANTEE, and its successors and assigns forever, all of GRANTOR’S right, title and interest in and to all that certain water and water rights appurtenant to land situate in the County of Washoe, State of Nevada, said water and water rights more particularly described in “Exhibit A”, attached hereto and incorporated herein by reference (“Water Rights”).

TO HAVE AND TO HOLD said Water Rights, together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof unto the GRANTEE, its successors and assigns forever.

GRANTOR’S REPRESENTATIONS AND WARRANTIES.

In order to induce GRANTEE to accept conveyance of the Water Rights identified under this Deed, GRANTOR does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND title to the above Water Rights being conveyed to the Grantee, and its successors and assigns, against all and every person or persons claiming the whole or any part thereof, and GRANTOR makes the following representations and warranties as of the date of this Deed:

1. **Title and Beneficial Interest.** GRANTOR shall have good, marketable title and beneficial interest to the Water Rights, free and clear of all liens, encumbrances and exceptions except those expressly approved by GRANTEE in writing, and GRANTOR is aware of no matters which adversely affect title thereto. GRANTOR shall have obtained all necessary approvals for the Water Rights and the Water Rights have neither been forfeited, abandoned, relinquished nor cancelled, and there is no impediment, legal or otherwise, to the use of the Water Rights.

2. **No Litigation.** To GRANTOR'S knowledge, there is no claim, litigation, action, arbitration, legal, administrative or other proceeding, investigation or inquiry pending or threatened against the Water Rights or pending or threatened against GRANTOR, which could affect title to or beneficial interest in the Water Rights, or affect the value or use of the Water Rights, or subject GRANTEE to liability, nor is there any basis known to GRANTOR for any such claim, litigation, action, arbitration, proceeding, investigation or inquiry.

3. **No Prior Options, Sales, Leases, or Assignments.** GRANTOR has not granted any options, right of first refusal or entered into any other agreement that would commit or obligate GRANTOR in any manner whatsoever to sell, lease or assign the Water Rights or its right, title and beneficial interest in them, or any portion thereof, to any party other than GRANTOR.

4. **No Defaults.** To GRANTOR'S knowledge, based on reasonable inquiry, neither the execution of this instrument, the consummation contemplated hereby, nor the fulfillment of the terms hereof, will conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under, any agreement or instrument which affects GRANTOR or the Water Rights or any portion thereof, or to which GRANTOR or the Water Rights are subject or any applicable law, rule or regulation of any governmental body having jurisdiction over GRANTOR or the Water Rights.

14157

IN WITNESS WHEREOF, the parties hereto have executed this Grant, Bargain and Sale Deed on the date set forth below.

GRANTOR: _____ _____, a Nevada Corporation/a Nevada Limited Liability Company/an individual. By: _____ Name: _____ Title: _____ Date: _____	GRANTEE: WASHOE COUNTY, a political subdivision of the State of Nevada By: _____ Chairman, Board of County Commission, Washoe County Date: _____
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STATE OF NEVADA)

) ss.

COUNTY OF WASHOE)

On this day of _____, 2014, before me, a Notary Public, personally appeared _____, personally known to me, who acknowledged to me that he executed the foregoing document.

Notary Public

My Commission expires: _____

STATE OF NEVADA)

) ss.

COUNTY OF WASHOE)

On this day of _____, 2014, before me, a Notary Public, personally appeared _____, personally known to me who acknowledged to me that he executed the foregoing document.

Notary Public

My Commission expires: _____

14-1576

Exhibit A

CORRECTED CERTIFICATE

Application No. 25334 Certificate No. 8476 Book 27 Page 8476

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Richard W. Arden (agent) has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Galena Creek through Steamboat Creek and Crane Ditch for as decreed purposes. The point of diversion of water from the source is as follows:

SW¼ NW¼ Section 8, T.17N., R.20E., M.D.B.&M.,
or at a point from which the W¼ corner of said
Section 8 bears S. 51° 54' 30" W., a distance
of 808.12 feet situated in Washoe County,
State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	George F. Curti and Gladys A. Curti
Source:	Galena Creek
Manner of Use:	As Decreed
Amount of appropriation:	0.547 c.f.s., but not to exceed 98.325 acre-feet per annum
Period of use:	As Decreed
Date of priority of appropriation:	As Decreed

Description of land to which the water is appurtenant:

35.4 acres in the NE¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
30.1 acres in the SE¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
23.1 acres in the SW¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
18.8 acres in the NW¼ SE¼ Section 21, T.18N., R.20E., M.D.B.&M.
8.4 acres in the SW¼ SW¼ Section 22, T.18N., R.20E., M.D.B.&M.
26.1 acres in the NW¼ SW¼ Section 22, T.18N., R.20E., M.D.B.&M.
0.7 acres in the SW¼ NW¼ Section 22, T.18N., R.20E., M.D.B.&M.
12.6 acres in the NW¼ NE¼ Section 28, T.18N., R.20E., M.D.B.&M.
155.2 Acres Total

This certificate changes the point of diversion and place of use of Claim No. 652, Truckee River Final Decree, in Equity Docket A-3, in the District Court of the United States of America in and for the District of Nevada.

This certificate is issued subject to the terms of the permit.

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continued

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of DECEMBER, A.D. 19 93.

R. Michael Turnipseed
State Engineer

bk/sb

Abrogated By ^{per} 10891A T. 0.547

251-171

CORRECTED CERTIFICATE

Application No. 25335 Certificate No. 8477 Book 27 Page 8477

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Richard W. Arden (agent) has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Galena Creek through Steamboat Creek and Chandler Ditch for as decreed purposes. The point of diversion of water from the source is as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T.17N., R.20E., M.D.B.&M.,
or at a point from which the W $\frac{1}{4}$ corner of said
Section 8 bears S. 51° 54' 30" W., a distance
of 808.12 feet situated in Washoe County,
State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	Ubaldo J. Bianco (aka Bud Bianco) and Emily D. Bianco
Source:	Galena Creek
Manner of Use:	As Decreed
Amount of appropriation:	0.825 c.f.s., but not to exceed 148.275 acre-feet per annum
Period of use:	As Decreed
Date of priority of appropriation:	As Decreed

Description of land to which the water is appurtenant:

7.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T.18N., R.20E., M.D.B.&M.
6.9 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T.18N., R.20E., M.D.B.&M.
28.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T.18N., R.20E., M.D.B.&M.
3.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M.
25.1 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M.
0.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T.18N., R.20E., M.D.B.&M.
34.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
12.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
0.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
4.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, T.18N., R.20E., M.D.B.&M.
124.2 Acres Total

This certificate changes the point of diversion and place of use of Claim No. 652, Truckee River Final Decree, in Equity Docket A-3, in the District Court of the United States of America in and for the District of Nevada.

This certificate is issued subject to the terms of the permit.

continued

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The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of DECEMBER, A.D. 19 93.


State Engineer

bk/sb

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WASHOE COUNTY COMMISSION

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520
(775) 328-2005

**RESOLUTION
ADOPTING AN AMENDMENT TO THE
HIGH DESERT AREA PLAN (MPA13-003),
A PART OF THE WASHOE COUNTY MASTER PLAN**

WHEREAS, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify that the Washoe County Planning Commission may prepare, adopt and amend a master plan for all or any part of the County, subject to County Commission approval;

WHEREAS, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: Community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan, and such other plans as judged necessary;

WHEREAS, A public hearing on the adoption of the amended HIGH DESERT AREA PLAN, a part of the Washoe County Master Plan, was held on January 7, 2014, by said Planning Commission;

WHEREAS, The Washoe County Planning Commission has found that the HIGH DESERT AREA PLAN, a part of the Washoe County Master Plan, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Master Plan, and has submitted the amendment to the HIGH DESERT AREA PLAN to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Master Plan, including the HIGH DESERT AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the HIGH DESERT AREA PLAN being held on February 25, 2014, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the HIGH DESERT AREA PLAN, a part of the Washoe County Master Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Master Plan, including the HIGH DESERT AREA PLAN, was first held on October 23, 1991, with

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the most recent amendment to the HIGH DESERT AREA PLAN being held on _____, 2014, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the HIGH DESERT AREA PLAN, a part of the Washoe County Master Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Master Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended HIGH DESERT AREA PLAN, a part of the Washoe County Master Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

ADOPTED this ____ day of _____, 2014.

WASHOE COUNTY COMMISSION

David Humke, Chairman

ATTEST:

Nancy Parent, County Clerk

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WASHOE COUNTY COMMISSION

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520
(775) 328-2005

**RESOLUTION
ADOPTING AN AMENDMENT TO THE
TAHOE AREA PLAN (MPA13-004),
A PART OF THE WASHOE COUNTY MASTER PLAN**

WHEREAS, Sections 278.150, 278.170 and 278.210, Nevada Revised Statutes, specify that the Washoe County Planning Commission may prepare, adopt and amend a master plan for all or any part of the County, subject to Washoe County Commission approval;

WHEREAS, A public hearing on the adoption of the amended TAHOE AREA PLAN, a part of the Washoe County Master Plan, was held on January 7, 2014, by said Planning Commission;

WHEREAS, The Washoe County Planning Commission has found that the TAHOE AREA PLAN, a part of the Washoe County Master Plan, and the most recent amendment, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Master Plan, and has submitted the amendment to the TAHOE AREA PLAN to the Washoe County Board of County Commissioners, with a recommendation for approval and adoption thereof;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Washoe County Board of County Commissioners may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Master Plan, including the TAHOE AREA PLAN, was held on February 25, 2014, by the Washoe County Board of County Commissioners;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners adopted the amendments to the TAHOE AREA PLAN, a part of the Washoe County Master Plan;

WHEREAS, A public hearing for the review of conformance of the Tahoe Area Plan with the Tahoe Regional Plan was held on _____, _____ by the Tahoe Regional Governing Board, at which time the plan was deemed in conformance with the Tahoe Regional Plan or a conformance review letter from the Tahoe Regional Planning Agency dated _____, _____ attesting that the Tahoe Area Plan is in conformance with the Tahoe Regional Plan was received by the Washoe County Planning and Development Division; and

WHEREAS, The amendment to the Tahoe Area Plan, a part of the Washoe County Master Plan, which is in conformance with the Tahoe Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Master Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt the amended TAHOE AREA PLAN, a part of the

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Washoe County Master Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

ADOPTED this ____ day of _____, 2014.

WASHOE COUNTY COMMISSION

David Humke, Chair

ATTEST:

Nancy Parent, County Clerk

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