

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

SEPTEMBER 9, 2008

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairperson
Jim Galloway, Commissioner
David Humke, Commissioner
Kitty Jung, Commissioner

Nancy Parent, Chief Deputy Clerk
Katy Simon, County Manager
Melanie Foster, Legal Counsel

The Washoe County Board of Commissioners convened at 2:03 p.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:

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

08-966 AGENDA ITEM 3 – MANAGEMENT SERVICES

Agenda Subject: "Presentation of Excellence in Teamwork Award Certificates to the Washoe County employees nominated for the 2008 Washoe County Excellence in Teamwork Award and presentation of plaques to the three top-ranked employees (Art Glass, Washoe County Sheriff's Office, Cathie Korson, Washoe County Human Resources and Karen Stout, Washoe County Sheriff's Office - Incline Substation)--Management Services. (All Commission Districts)"

Katy Simon, County Manager, congratulated scholarship winners Art Glass, Cathie Korson and Karen Stout. Ms. Stout could not be present, but plaques were presented to Mr. Glass and Ms. Korson. Ms. Simon also acknowledged the following award nominees: Dan Croarkin, Zulma Solano, Sue Weyl, Joan Rueda, Bonnie Whobrey,

Brenda Vecchiarelli, Julie Munoz, Laurie Ingraham, Margaret Lazzari, Steven Thalacker, Adrienne Openlander, Bobbie Briggs, Karen Burch and Maria Souza. She invited those present to pose for a photograph with the Commissioners and with Sheriff Mike Haley.

Mr. Glass thanked the County for highlighting teamwork, and thanked the employees on his team who worked to fight crime on behalf of the Sheriff's Office.

Sam Dehne responded to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 3 be approved.

08-967 AGENDA ITEM 4 – PUBLIC COMMENT

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

2:10 p.m. Commissioner Galloway temporarily left the meeting.

Guy Felton read an editorial he had written for the Reno Gazette-Journal.

Sam Dehne talked about the voting system in Nevada.

2:15 p.m. Commissioner Galloway returned to the meeting.

Gary Schmidt placed a copy of a Reno Gazette-Journal article on file with the Clerk. If elected, he said he would appoint citizen committees to investigate the circumstances surrounding the embezzlement of funds by a former Department of Water Resources employee and the Ballardini Ranch settlement.

08-968 AGENDA ITEM 5 – ANNOUNCEMENTS

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

County Manager Katy Simon indicated there were no corrections to the agenda.

Commissioner Humke stated he received notice from the Social Services Department of a community round table meeting that would explore strategies to improve outcomes for infants and young children in foster care. He noted the round table meeting was sponsored by the Casey Family Programs, the Annie E. Casey Foundation, the

Walter S. Johnson Foundation and a law firm. Commissioner Humke said he had received complaints from citizens about the written material provided in the agenda packet for items to be considered by the Commission. He indicated the main concern was related to time frames. Commissioner Humke pointed out the rules for submitting citizen-generated material should be provided at the counter and any cut-off times should apply equally to everyone. He observed citizens were also frustrated at the inability to access files and software on various department pages of the County website. He proposed a future agenda item to discuss bringing more order to the process.

Commissioner Weber said she attended a recent meeting of the North Valleys Citizen Advisory Board (CAB), where a proposed Wal-Mart site was on the agenda. She indicated many residents were excited about having a Wal-Mart located there, and she believed it might help somewhat with the traffic situation. She stated the CAB talked about the recent crash of a fire retardant plane in the Silver Knolls area, and several citizens had asked for an opportunity to commend the Silver Lake Volunteer Fire Department, as well as the other agencies involved, for their quick response. Commissioner Weber thanked the County Manager for alerting her of the plane crash, which allowed her to be on site within 15 minutes. On arrival, she learned there had been some confusion about dispatching the Silver Lake Volunteer Fire Department (SLVFD). She emphasized the importance of dispatching nearby volunteers during any incident. Commissioner Weber submitted a letter from Volunteer Fire Chief Pete Rucinski, thanking all of the Commissioners and staff for supporting the new community room at the SLVFD. The letter was placed on file with the Clerk. She requested there be a proclamation brought back at a future meeting concerning the plane crash response. She talked about her attendance at a recent meeting of the Nevada Commission for the Reconstruction of the V&T Railway, which was still working to find additional funding sources.

By declaration of the Governor, Chairman Larkin announced the County would fly its flags at half staff on September 11, 2008 to honor the anniversary of the 911 terrorist attacks. He talked about the upcoming fifth session of the Washoe County Leadership Academy, which had so far graduated more than 100 citizens from the program. He invited all citizens to attend Washoe County Day at the Great Basin Adventure Park. He indicated there would be several booths, including one where citizens could tell the Commission what they thought its priorities should be. Chairman Larkin said he wanted to make the public aware of cash rebates for solar, wind and hydroelectric systems that had been enabled by the last session of the State Legislature. He noted customers could apply for the renewable regeneration rebates through Sierra Pacific Power Company (Nevada Power), and applications would be accepted on a first-come, first-served basis.

Chairman Larkin explained the Nevada Department of Transportation (NDOT) required Kiley Ranch, the developer building the Lazy Five Parkway, to place a barrier blocking the southbound entrance from the Pyramid Highway to the Lazy Five Park and the Washoe County Library. He read a letter from the NDOT, which indicated the Lazy Five Parkway intersection was an appropriate location for a future traffic signal,

pending receipt of a warrant analysis by Kiley Ranch. He pointed out Kiley Ranch had placed many of its development applications on hold due to the downturn in the economy. Chairman Larkin stated the placement of the physical barrier allowed a U-turn and was an “accident waiting to happen.” He requested a future agenda item for the Commission to consider installation of a traffic signal in advance of the Kiley Ranch Development being able to fund the traffic signal, with the expectation that the developer would reimburse the County at a later time.

Commissioner Galloway requested information from the Health Department as to the quantity of greenhouse gas emissions created when a modern automobile burned a gallon of gas. He requested a map and/or visual simulation of the proposed turbine wind-powered project, and clarification as to whether such information was available on line.

Commissioner Galloway discussed the recent dedication of the Hunter Lake Trailhead. He announced an upcoming meeting of the Investment Committee. He stated there had recently been an important and historic signing of the Truckee River Operating Agreement (TROA). He related issues discussed at a recent CAB meeting concerning the creation of a bike lane on Mayberry Drive. He said he was favorable to having a bike lane, provided it worked for all concerned. Because the City of Reno changed its plans for the street at the last minute, he indicated there had not been adequate time to circulate the plans for comment. He stated he read about the plans in the newspaper and contacted the Washoe County School District. He explained there was no striping on the street one week before school was scheduled to begin, and the street was temporarily striped by the City. Although the rest of the street was functioning adequately, the citizens felt it was worse than before with respect to traffic at the Roy Gomm Elementary School. He reported that County staff had been asked to investigate a limited visibility curve at an unincorporated section of Mayberry Drive and had been able to determine that it met the required sight distances. Commissioner Galloway said he attended a recent meeting of the Parks Commission, where there had been a request by the Truckee Meadows Water Authority (TMWA) to place a water tank within the Huffaker Hills open space area. He indicated parks were becoming a natural target for utility easements and utility installation requests because local government planning did not always provide sufficient space and parks were a cheaper location. He emphasized utility operators should be required to at least explore other alternatives outside of the parks or open space areas.

Commissioner Jung stated she took a tour of the Reno-Sparks Gospel Mission and the tent city for the homeless at the Community Assistance Center. She said she went to a Friends of Washoe County Library meeting in support of their community functions and re-joined the group as a member. She talked about her attendance at the recent TROA signing ceremony and applauded those who worked so tirelessly to make it a fair agreement for the various purveyors and consumers, as well as the Pyramid Lake Paiute Indian Tribe. Commissioner Jung requested an agenda item to review policy concerning the collection of community input and feedback, and its integration into staff

recommendations. She suggested some type of comment form that would allow each commissioner and/or citizen to review comments in their entirety.

At the request of staff and County Manager Katy Simon, Chairman Larkin asked everyone to join in a moment of silence in observance of the upcoming anniversary of the 911 terrorist attacks.

**DISCUSSION – CONSENT AGENDA ITEMS 6A THRU 6G
(MINUTE ITEMS 08-969 THRU 08-977)**

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, the Board removed Agenda Item 6H from the consent agenda to allow for separate consideration later in the meeting.

08-969 AGENDA ITEM 6A – MINUTES

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meeting of July 22, 2008.”

There was no public comment on this item.

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

08-970 AGENDA ITEM 6B(1) – DEPARTMENT OF WATER RESOURCES

Agenda Subject: “Ratify Resolution authorizing the Chairman of the Board of County Commissioners to execute the Truckee River Operating Agreement. (All Commission Districts)”

In response to the call for public comment, Sam Dehne pointed out the Truckee River Operating Agreement was one of the biggest and most controversial agreements ever to take place in Washoe County. He questioned its inclusion on the consent agenda.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 6B be ratified, authorized and executed. The Resolution for same, as well as the fully executed Truckee River Operating Agreement (TROA), are attached hereto and made a part of the minutes thereof.

08-971 AGENDA ITEM 6B(2) – DEPARTMENT OF WATER RESOURCES

Agenda Subject: “Authorize Acting Purchasing and Contracts Administrator to issue a purchase order [\$92,080] to W.L. Gore & Associates, Inc., (sole source) for Soil Gas Screening Survey Modules and Analysis. (Commission District 3)”

There was no public comment on this item.

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

08-972 AGENDA ITEM 6C – JUVENILE SERVICES

Agenda Subject: “Approve travel for one non-County employee serving on the Juvenile Detention Alternatives Initiative Stakeholders Committee to attend the 2008 JDAI National Inter-Site Conference September 22-24, 2008 in Indianapolis, Indiana [estimated cost \$600 will be paid from the JDAI continuation grant]. (All Commission Districts)”

There was no public comment on this item.

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

08-973 AGENDA ITEM 6D – SECOND JUDICIAL DISTRICT COURT

Agenda Subject: “Acknowledge receipt of Intrastate Interlocal Contract between Public Agencies for Access and Visitation Mediation Grant October 1, 2008 through September 30, 2012 between the County of Washoe, Second Judicial Court – Family Division and State of Nevada Welfare Division, Department of Health and Human Services, for purpose of providing mediation services in child support cases; and if accepted, authorize Chairman to execute same [estimated budget for these services for Fiscal Year 2008/09 is approximately \$30,000 reimbursed through Federal Title IV-D Funds]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 6D be acknowledged, approved, authorized and executed. The Intrastate Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

08-974 AGENDA ITEM 6E – FINANCE DEPARTMENT

Agenda Subject: “Acknowledge appropriation adjustments within Public Works Construction Fund (no fiscal impact). (All Commission Districts)”

There was no public comment on this item.

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

08-975 AGENDA ITEM 6F(1) – SHERIFF’S OFFICE

Agenda Subject: “Accept donations [\$931] from various individuals for the Community Emergency Response Team Program to be used for training, equipment, uniforms and office supplies; and if accepted, authorize Finance to make necessary budget adjustments. (All Commission Districts)”

On behalf of the Board, Commissioner Galloway thanked various individuals for their generous donations in support of the Community Emergency Response Team (CERT) program.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 6F(1) be accepted and authorized.

08-976 AGENDA ITEM 6F(2) – SHERIFF’S OFFICE

Agenda Subject: “Accept donations [\$9,200] from Northern Nevada DUI Task Force to the Washoe County Sheriff’s Office to conduct DUI saturation patrols in Incline Village and Gerlach/Empire areas during Labor Day weekend and Burning Man Event and purchase of equipment; and if accepted, direct Finance to make necessary budget adjustments. (Commission Districts 1 and 5)”

On behalf of the Board, Commissioner Galloway thanked the Northern Nevada DUI Task Force for their generous donation. He pointed out the Task Force was a local nonprofit organization designed to raise community awareness about the hazards of drinking and driving.

In response to the call for public comment, Sam Dehne questioned the retroactive approval of costs related to the Burning Man event.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 6F(2) be accepted and directed.

08-977 AGENDA ITEM 6G – SOCIAL SERVICES

Agenda Subject: “Appoint the following applicants to the Washoe County Social Services Advisory Board based on the passage of amended Ordinance 1362 effective April 4, 2008: Mary Herzik, Shirley Luke, Amy Saathoff, Frank Cervantes, Eric

Beye, Denise Everett, Karen Sabo, Jennifer Lunt, Sherri Rice, Stuart Gordon and Michael Sanderfer. (All Commission Districts)”

There was no public comment on this item.

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

DISCUSSION - BLOCK VOTE – ITEMS 10, 11, 13 AND 14 (MINUTE ITEMS 08-978 THRU 08-981)

The Board combined Agenda Items 10, 11, 13 and 14 into a single block vote.

08-978 AGENDA ITEM 10 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to approve purchase of 1.6 acres of land and water rights to develop a Galena Canyon trailhead facility [\$575,000] and approve allocation of an estimated \$80,000 for Federal Relocation Assistance; authorize Chairman to act on behalf of Washoe County to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, month to month rental agreements, checks and warrants as may be necessary or appropriate to accomplish the acquisition of the Galena Canyon trailhead parcel in the name and on behalf of Washoe County. (Commission District 2)”

Commissioner Galloway explained the purchase was funded by a State Question 1 grant, as well as funds from a Residential Construction Tax paid by the area’s residents and designated for parks or recreation facilities in their neighborhood. He emphasized the purchase would not directly impact the County’s budget-tightening efforts.

There was no public comment on this item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 10 be approved, authorized and executed.

08-979 AGENDA ITEM 11 – RISK MANAGEMENT

Agenda Subject: “Recommendation to approve payment of the estimated annual assessment for Washoe County’s self-funded workers’ compensation program for Fiscal Year 2008/09 to the State of Nevada, Division of Industrial Relations [four installments of \$35,480.69 each, for a total \$141,922.77]. (All Commission Districts)”

In response to the call for public comment, Sam Dehne characterized the privatization of the workers' compensation system as a disaster for the workers.

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

08-980 AGENDA ITEM 13 – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Agenda Subject: “Recommendation to approve and execute three separate Relocation Assistance Agreements for on-call relocation services between the County of Washoe and Associated Right of Way Services, Inc., Overland, Pacific & Cutler, Inc. and Property Specialists, Inc. for the Truckee River Flood Project [not-to-exceed \$300,000 with a total maximum budget of \$300,000 for all three relocation firms]; and if approved, authorize the use of the 1/8-cent sales tax dedicated to the Truckee River Flood Project to fund the agreements. (All Commission Districts)”

County Manager Katy Simon clarified no single agreement could exceed the \$300,000 maximum, nor could the total for all three agreements exceed the \$300,000 maximum.

There was no public comment on this item.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 13 be approved, executed and authorized.

08-981 AGENDA ITEM 14 – MANAGER’S OFFICE

Agenda Subject: “Recommendation to appoint Kevin Schiller as Interim Co-Director of the Social Services Department with a five percent salary adjustment effective immediately. (All Commission Districts)”

There was no public comment on this item.

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

08-982 AGENDA ITEM 6H – MANAGEMENT SERVICES/COMMUNITY SUPPORT ADMINISTRATOR

Agenda Subject: “Recommendation to retroactively approve and authorize the Chairman to sign an Interlocal Agreement with the City of Reno for security services at the Community Assistance Center located at 315 Record Street in the amount of \$60,009 for the County’s portion, for Fiscal Year 2007-08. (All Commission Districts)”

Earlier in the meeting, the Board removed Agenda Item 6H from the consent agenda to allow for separate consideration later in the meeting when staff could respond to questions.

Earlier in the meeting, Chairman Larkin noted the Interlocal Agreement specified security services from 8:00 a.m. to 12:00 a.m. He expressed concern about whether the gap from midnight to 8:00 a.m. created any increased liability. County Manager Katy Simon said it was her understanding the facility operator was present to oversee and supervise during those hours. She did not believe the agreement represented a change from what security services had been provided in the past.

Commissioner Galloway explained the item called for costs to be shared between the County and the City of Reno. He pointed out the County did not initiate the Community Assistance Center facility at Record Street and had not expected to cover additional costs to support the new facility. He said he would support the Interlocal Agreement in consideration of public safety concerns, but was doing so under protest.

Commissioner Galloway read the following clause in Paragraph 2 of the Agreement: "Payments will be made upon submission of approved invoices. Payment by Washoe County will be made directly to the contractor upon receipt of an approved invoice from the City of Reno." He asked who the contractor was.

Ms. Simon pointed out previous agreements called for the County to fund operation of the Men's Shelter, and the security services in the agenda item were part of the costs for the Men's Shelter. Commissioner Galloway said he was not satisfied the amount was the same as what the County had previously paid.

In response to the call for public comment, Sam Dehne wondered whether the security contractor had been hired by the County or the City. He questioned retroactive approval of the costs.

Gabrielle Enfield, Community Support Administrator, identified the security contractor as ISS Facility Services, the same contractor who was providing security services for many County buildings. She indicated the Agreement was retroactive for services provided during the last fiscal year. She explained she had previously been responsible for administering the contract on behalf of the County, but it was turned over to the City of Reno because services were now located in their new building. She stated security was previously provided over a 24-hour period, but it was found there was not a need for it from 12:00 a.m. to 8:00 a.m., so the City decided to cut back services during that time period. She said the City had just closed a bid for services for the term beginning in October 2008 through the rest of the 2008-09 fiscal year, and it was possible that could result in different hours.

Commissioner Galloway wondered whether the County was paying more for security than it had before the opening of the facility at Record Street. Ms. Enfield

said the County's share for providing overall shelter services would be more than in previous fiscal years, but the cost of security services had not increased.

Ms. Enfield clarified staff was present during the hours of 12:00 a.m. and 8:00 a.m., and indicated they would call the Reno Police Department to respond to any security incidents.

On motion by Commissioner Jung, seconded by Chairman Larkin, which motion duly carried, it was ordered that Agenda Item 6H be approved and authorized. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

08-983 AGENDA ITEM 7 – COMMUNITY DEVELOPMENT

Agenda Subject: “Review and possible direction on schedule to implement the adopted Land Use and Transportation Element through amendments to Washoe County Code, Chapter 110 (Development Code). (Requested by Commissioner Galloway) (All Commission Districts)”

Planning Manager Mike Harper referenced page 2 of the staff report, which explained the steps necessary to ensure continuity between the policies in the Land Use and Transportation Element (LUTE) and those in various Area Plans. He indicated analysis was underway to identify any inconsistencies and produce a matrix for public comment before proceeding with any amendments to the Development Code. He explained this was being done to avoid any potential that the Area Plans or the LUTE might be found to be inconsistent with the Truckee Meadows Regional Plan. Commissioner Galloway said he requested the agenda item because there were certain things, such as smart growth incentives, that could not be implemented without first amending Chapter 110 of the Development Code. He stated he had not been aware there were inconsistent policies between the LUTE and any of the Area Plans. He asked whether there was any way to make some amendments for the areas where there were no inconsistencies. Mr. Harper said amendments for some parts of the Development Code could be brought to the Board as soon as it was determined there were no inconsistencies in those specific items. He agreed to update Commissioner Galloway after a meeting that was planned for the following week. He stated the matrix identifying policy conflicts was expected to be ready by approximately early to mid October 2008. He emphasized the importance of allowing community input prior to the amendment of any of the policies.

Commissioner Galloway directed staff to provide the information within the timeframes indicated by Mr. Harper.

No further action was taken on this item.

Agenda Subject: “Recommendation to review analysis provided regarding City of Sparks Seven Year Program of Annexation 2008-2015 and direct staff to forward the Board of County Commissioners’ comments to the Truckee Meadows Regional Planning Commission. (Commission Districts 4 and 5)”

Lisa Brosnan, Washoe County Planner, explained the purpose of the agenda item was to obtain Board comments for an advisory recommendation to the Regional Planning Commission regarding the City of Sparks Seven-Year Program of Annexation. She noted the Program did not represent an actual proposal or timeline for annexation of any specific properties, but identified 946 acres for potential annexation. She indicated the potential areas were all located within the City of Sparks’ portion of the Truckee Meadows Service Area (TMSA), as set forth in the 2002 Regional Settlement Agreement. She referred to a map attached to the staff report, which was placed on file with the Clerk. The map identified four potential areas that were completely surrounded by the City and therefore subject to annexation at the request of the City. Ms. Brosnan stated it was unclear why some parcels located within the City were not selected for inclusion in the Annexation Program. She pointed out four areas along Interstate 80 that were within the City’s Sphere of Influence (SOI), but were not immediately adjacent to City boundaries, and indicated such areas could be voluntarily annexed at the request of the property owners. She said Community Development was concerned about the provision of services to those areas and the ability to meet concurrency requirements. She noted Community Development had been provided with a draft of the City’s conceptual Utility Master Plan, which was endorsed by the Sparks Planning Commission and the Sparks City Council in March 2008. She indicated the Plan considered facilities for water, wastewater and flood services, but did not address the future provision of emergency police and fire services.

Ms. Brosnan assured Chairman Larkin that all of the potential annexation areas were consistent with the Settlement Agreement.

Commissioner Galloway asked whether a program of annexation could include a draft service agreement. For example, if it was the intent of the City not to provide Sparks Police response to Tracy and they wanted to contract with either Washoe County or Storey County to provide response, such intent could be included in a draft plan. He suggested there should be some type of draft agreement or a statement that such an agreement was under discussion, whether it was included in a plan or not. Ms. Brosnan stated she could forward Commissioner Galloway’s comments. Commissioner Galloway requested his comments be reworded to specify that “Sparks consider appending a public safety services plan to their annexation plan for the areas that were further away from the existing boundaries of City services.”

Chairman Larkin questioned whether there was already such a requirement as part of each entity’s facility plans. Commissioner Galloway acknowledged his suggestion was related to concurrency, but he pointed out the facility

plans were geared to the approval of development and zoning rather than to annexation. He noted a draft services plan could involve contracting with others, building public safety service facilities, or explaining how existing facilities would service the area to be annexed. Adrian Freund, Director of Community Development, stated it was his understanding the City intended to address plans for future public services through the East Truckee Canyon Area Plan that was currently being developed in cooperation with the County. He explained some of the potential annexation areas had been targeted for possible mixed use. He believed it was the City's intent to embed area-specific services within their area plans. Additionally, he stated all of the jurisdictions were required to have a public services and facilities element to their master plans.

Commissioner Galloway asked whether area plans would address growth areas, as well as areas that were already developed. Jim Rundell, Senior Planner with the City of Sparks, emphasized the Annexation Program was not a plan. He pointed out there was nothing to say that any of the parcels included in the Program would ever actually be annexed; but if someone chose to annex, the City would then have to decide who would provide services. He stated the East Truckee Canyon Area Plan was within the cooperative planning boundary and the City was working with County staff to address such concerns. Mr. Rundell did not believe it was appropriate to attach a service plan to an annexation program. Commissioner Galloway asked whether the Area Plan would address the future growth areas and how the City would service them. Mr. Rundell replied the Area Plan would talk about such things as the provision of fire and police services, whether there would be a sewer system and who would pay for it, and how funding would be provided for the personnel to man any new facilities such as a fire station. He acknowledged there were a lot of huge issues to be addressed before anyone could intensify development in the East Truckee River Canyon. Commissioner Galloway asked whether he should withdraw his comments. Mr. Rundell stated, in his opinion, the comments were not appropriate. He said it was more appropriate to address such concerns as staff worked out the Area Plan for the East Truckee River Canyon.

Commissioner Galloway withdrew his suggested comment. He remarked that at least a discussion had taken place.

There was no response to the call for public comment.

Commissioner Weber questioned whether there were areas of the Sparks SOI that were included in her Commission District (District 5). County Planning Manager Mike Harper said there were some small areas along the left boundary of the SOI that were included in District 5, because the boundaries were defined by hydrographic basins. Commissioner Weber asked how many acres. Mr. Harper said he could not estimate from the map that was provided, but could research such information on the GIS system. Commissioner Weber wondered whether there was any urgency in order to make comments about the Annexation Program. Chairman Larkin indicated the Board's comments could not be delayed. Commissioner Galloway pointed out the areas of concern were not identified on the map as possible annexation areas. Mr. Rundell clarified the areas had already been annexed into the City of Sparks under contiguous

annexation. He explained, under State law, annexation into the cities did not become official until certain elections had taken place. At the time the Annexation Program was submitted to the County for review, the map did not reflect annexation that went into effect after the subsequent primary election in the City of Sparks. Although she had no comments to submit regarding the Annexation program, Commissioner Weber requested more specifics about the areas located within her Commission District.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried, it was directed there were no Board of County Commissioners' comments to be forwarded to the Truckee Meadows Regional Planning Commission for the City of Sparks Seven Year Program of Annexation for 2008-2015.

08-985 AGENDA ITEM 9 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to approve the use of up to \$823,977 in interest earnings earned on the proceeds of the sale of 280 acre feet of ground water rights located on Sierra Sage Golf Course to implement infrastructure preservation or capital improvement projects at either or both Sierra Sage and Washoe Golf Courses; augment Fiscal Year 2008/09 Golf Course Enterprise Fund 520 budget in the amounts approved; and, direct Finance to make necessary budget adjustments and cash transfers. (Commission Districts 1 and 5)”

Doug Doolittle, Director of Regional Parks and Open Space, stated a little over \$2 million of the approximately \$8 million proceeds from the sale of water rights at the Sierra Sage Golf Course had been spent for Phases 2 and 3 of the North Valleys Regional Sports Complex. This amount included ball fields, entrance areas, parking lots, gazebos and landscaping. He indicated a little over \$30,000 was spent for the conceptual design of an indoor recreation facility, but the design had not gone beyond the conceptual stages at this point.

Chairman Larkin noted it had been previously determined that Washoe Golf Course was an asset to be protected, but Sierra Sage Golf Course might not be retained. He questioned why the County would spend \$400,000 on Sierra Sage. Mr. Doolittle indicated the projects listed in the staff report merely represented a best guess as to possible capital improvement opportunities. He stated the water rights that generated the funds had come from Sierra Sage. He said he understood previous direction provided by the Board relative to the golf courses, and a Request for Proposal for the total management of the golf courses was planned during the 2008-09 fiscal year. He emphasized all or part of the interest money could be allocated based on the Board's direction and priorities.

Commissioner Weber remarked there would not have been any water rights to sell if it had not been for the Sierra Sage Golf Course. She said she felt compelled to give back to the golf courses. She expressed concern about whether the Board had approved the approximately \$2 million already spent on Phases 2 and 3 of the North Valleys Regional Sports Complex. Chairman Larkin pointed out the Board was not

agendized to address that and a future agenda item would have to be requested if necessary. Commissioner Weber stated it was the community's wish to have a swimming pool and/or gymnasium at the North Valleys complex, and she had been working with Reno Councilmember Dwight Dortch on the project for a couple of years. She indicated Councilmember Dortch was working to get more fields in the Stead area at Mayors Park. She stated there had been conversations with constituents, as well as the golfing associations for Washoe and Sierra Sage, about giving some of the accrued interest back to the golf courses at some point in time. She said it was Councilman Dortch's opinion that Washoe County should be responsible for the ongoing maintenance of its golf courses.

Commissioner Weber proposed that \$400,000 of the interest money be designated to rebuild the course bunkers at Washoe and Sierra Sage Golf Courses, which would fulfill any commitment to the two golf courses. Commissioner Galloway asked whether it would be within the agenda item to reduce the amount of money designated and reserve it for capital improvements or preservation projects at Washoe Golf Course and/or Sierra Sage Golf Course, but to delay any decision as to what specific projects would be funded. Melanie Foster, Legal Counsel, confirmed that the agenda item would allow such action. Commissioner Galloway noted there was a table of possible projects in the staff report, and course bunkers for both courses were estimated at \$450,000. Commissioner Weber said she hoped staff could negotiate to make the project happen for \$400,000. Chairman Larkin agreed with Commissioner Galloway that the Board was not bound by the list of improvements in the staff report. Commissioner Galloway recommended the Board approve \$450,000 if the course bunkers were to be specifically designated. Chairman Larkin expressed concern that additional infrastructure at Sierra Sage suggested the County was going to keep the golf course, although there had been extensive discussions to the contrary. Commissioner Weber disagreed. Chairman Larkin pointed out the joint governing bodies had been unable to solve anything when discussing the golf courses, so no action was taken. Commissioner Galloway said he would want to see analysis as to whether any particular renovation might improve the golf courses' bottom lines. He proposed the Board set aside funds and ask staff to come back with more information. Mr. Doolittle stated it would be prudent for staff to look at the project list again. With a reduced level of funding, he observed there were some safety issues that might jump to a higher level of priority. For example, he indicated there was netting at the driving range for Washoe Golf Course that was necessary to protect nearby homes. Commissioner Weber pointed out that giving all of the interest money back to the golf courses would have a negative impact on trying to fund a swimming pool and gymnasium. She did not agree that Sierra Sage was on a list of golf courses to be deleted. Chairman Larkin reiterated that no such decision was made about any of the golf courses. He stated there had been extensive discussions the last time the Board supplemented the Sierra Sage budget because of losses. Although Washoe Golf Course had been operating in the green, he said he made it clear at the time he would not put one more dime into subsidizing Sierra Sage. Commissioner Galloway agreed there had been no final decision to terminate Sierra Sage. He commented it was not unusual for a golf course to run at a loss, and the loss was an expense for public recreation just like any of the other parks that did not generate any money. He requested a sum of money be set aside, with the

improvements to be determined at a later date. He pointed out that would give Commissioner Weber a chance to make her case at a later date and would allow him to get more information from staff as to whether spending more money would reduce the losses or generate some profit. Commissioner Weber said she was willing to do that as long as the money went to bigger projects and not to ongoing maintenance.

Commissioner Galloway indicated to Mr. Doolittle that he wanted to see an analysis showing the best “bang for the buck” on a future staff report.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that:

- the use of up to \$400,000 in interest earnings earned on the proceeds of the sale of 280 acre feet of ground water rights located on Sierra Sage Golf Course be approved to implement infrastructure preservation or capital improvement projects at either or both Sierra Sage and Washoe Golf Courses;
- the fiscal year 2008-09 Golf Course Enterprise Fund 520 budget be augmented in the amount approved;
- Finance be directed to make the necessary budget adjustments and cash transfers; and
- details regarding possible uses were to be brought before the Board for consideration at a later date.
- It was further noted the Board’s intent was for the funds to represent the total additional contribution in fulfillment of good will toward the golfing community subsequent to the sale of water rights.

4:04 p.m. Chairman Larkin declared a brief recess.

4:24 p.m. The Board reconvened with all members present.

08-986 AGENDA ITEM 12 – LIBRARY

Agenda Subject: “Recommendation to appoint two individuals to fill vacant seats on Washoe County Library Board of Trustees, with terms for both seats effective September 17, 2008 to June 30, 2012. (All Commission Districts)”

County Manager Katy Simon corrected the agenda item and stated there were different terms for each of the two seats. She indicated the seat to replace Dr. Paul Davis was for a term effective September 17, 2008 to June 30, 2010, and the other seat was for a term effective September 17, 2008 to June 30, 2012.

June Burton, Chairperson of the Library Board of Trustees, commented it had been difficult to conduct business with three members when it was supposed to be a five-member board.

Commissioner Jung asked whether she needed to recuse herself from the vote. She stated Jean Stoess, the wife of applicant Alfred Stoess, was a volunteer and treasurer for her campaign. Melanie Foster, Legal Counsel, observed it was clearly not a case where financial benefit came into play, so there was no legal requirement for Commissioner Jung to recuse herself based on that. She explained Commissioner Jung could choose to do so if her relationship with the Stoess family was such that she could not be impartial in deciding who was most qualified to serve on the Library Board.

The Commissioners expressed the following preferences from among the four candidates who applied to serve on the Library Board:

Commissioner Galloway: Gregory Nuttle and Alfred Stoess
Chairman Larkin: Dianne Drinkwater and Alfred Stoess.
Commissioner Weber: Dianne Drinkwater and Alfred Stoess.
Commissioner Humke: Dianne Drinkwater and Gregory Nuttle.

Commissioner Jung recused herself from the vote, but indicated she would have been in favor of Dianne Drinkwater and Alfred Stoess. Considering that Mr. Stoess possessed a Ph.D. and had been active in the community, she said she thought he would do a great job.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Jung abstaining from the vote, it was ordered that Alfred Stoess be appointed to the Washoe County Library Board of Trustees for a term effective September 17, 2008 and ending June 30, 2012, and Dianne Drinkwater be appointed for a term effective September 17, 2008 and ending June 30, 2010.

**08-987 AGENDA ITEM 15 – MANAGEMENT SERVICES/
GOVERNMENT AFFAIRS**

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

Management Services Director John Slaughter indicated four Bill Draft Requests (BDR’s) had been submitted to the Legislative Counsel Bureau (LCB) on behalf of the County following the Board’s action at its last meeting. He said there would be a period of time for the County to review the first drafts prior to bills being released for pre-filing by December 12, 2008. He pointed out staff was currently tracking about 220 BDR’s, although any potential impact on the County would remain uncertain until the language of each bill was made public sometime between December 12th and the

opening of the Legislative Session in February 2009. He stated there was ongoing collaboration with other local governments and the Nevada Association of Counties, and he hoped he would soon obtain final copies of what each entity had submitted.

Commissioner Galloway requested information as to which section of the Nevada Revised Statutes pertained to compensation of a public entity for the use of utility easements or facilities acquired through lease or deed of land from a public park. He asked Mr. Slaughter if it was possible to prepare an option for the County Commission to ask for greater compensation when park land was used for such a purpose. He explained such land was generally treated as open space and had the cheapest possible value, which made it the primary target for things such as water tanks, electrical substations and cell phone towers. Commissioner Galloway suggested some option that allowed the land to be valued at the median price of the surrounding residential land.

08-988 AGENDA ITEM 20 – REPORTS AND UPDATES

Agenda Subject: “Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).”

Commissioner Humke talked about his attendance at committee meetings for the Reno-Sparks Convention & Visitor’s Authority (RSCVA). He indicated the RSCVA Facilities Committee recommended expenditures for architectural and marketing contracts to analyze the addition of exhibit space as necessary to retain The Safari Group through 2020. He discussed a second RSCVA issue related to expansion of the Reno Livestock Events Center, which might involve the acquisition of land currently occupied by the National Guard Armory. He pointed out the legislative agenda adopted by the RSCVA included a Bill Draft Request that would release the RSCVA from a requirement that it share ownership of its land with Washoe County, possibly resulting in some type of land exchange between the two entities. Commissioner Humke stated there was ongoing discussion at the Regional Transportation Commission regarding the Southeast Connector.

Commissioner Weber requested future agenda items for presentations to update the Board about activities of the Nevada Commission for the Reconstruction of the V&T Railroad and Nevada Works. She said she attended a recent marketing meeting for the RSCVA, and there was an international organization considering the Reno-Tahoe area for a huge conference in July 2012.

Commissioner Jung announced her plans to attend a meeting of the Organizational Effectiveness Committee, a tour of the Step Two recovery program for women with children, and the kick-off session of the Washoe County Leadership Academy. She reminded the public about Washoe County Day, to be held at Rancho San

Rafael's Great Basin Adventure Park. Commissioner Jung talked about an upcoming special meeting of the County Commission to talk about the specialty courts of the Second Judicial District Court, including adult drug court, diversion court, mental health court, felony DUI court, family drug court, and juvenile drug court.

Commissioner Weber asked for clarification regarding a Community Stakeholder's Forum. County Manager Katy Simon explained the Board previously requested broad input be obtained about the County's priorities and Strategic Plan. She stated Washoe County Day would allow citizens to provide such input. Additionally, she said community leaders had been invited to a Community Stakeholder's Forum to provide their input. Although the Board would not take any action at the Forum, she indicated all Board members were welcome to attend.

4:48 p.m. Chairman Larkin declared a brief recess.

5:34 p.m. The Board reconvened with all members present.

08-989 **AGENDA ITEM 16**

Agenda Subject: "Second reading and adoption of an Ordinance amending Washoe County Code Chapter 45 by clarifying requirements for fingerprinting/background checks, and other matters properly relating thereto. (Bill No. 1561)"

5:35 p.m. Chairman Larkin opened the public hearing.

Chief Deputy County Clerk Nancy Parent read the title for Ordinance No. 1382, Bill No. 1561.

There was no response to the call for public comment and Chairman Larkin closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1382, Bill No. 1561, entitled, "AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 45 BY CLARIFYING REQUIREMENTS FOR FINGERPRINTING/BACKGROUND CHECKS, AND OTHER MATTERS PROPERLY RELATING THERETO" be approved, adopted and published in accordance with NRS 244.100.

08-990 **AGENDA ITEM 17**

Agenda Subject: "Second reading and adoption of an Ordinance amending Washoe County Code at Chapter 25 by adding provisions regarding work permits for employees of landlords of certain dwelling units, clarifying requirements for fingerprinting/background checks, standardizing procedures, and providing other matters properly relating thereto. (Bill No. 1562)"

5:36 p.m. Chairman Larkin opened the public hearing.

Chief Deputy County Clerk Nancy Parent read the title for Ordinance No. 1383, Bill No. 1562.

There was no response to the call for public comment and Chairman Larkin closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Jung, which motion duly carried, it was ordered that Ordinance No. 1383, Bill No. 1562, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE AT CHAPTER 25 BY ADDING PROVISIONS REGARDING WORK PERMITS FOR EMPLOYEES OF LANDLORDS OF CERTAIN DWELLING UNITS, CLARIFYING REQUIREMENTS FOR FINGERPRINTING/BACKGROUND CHECKS, STANDARDIZING PROCEDURES, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO**" be approved, adopted and published in accordance with NRS 244.100.

08-991 AGENDA ITEM 18

Agenda Subject: "Second reading and adoption of an Ordinance amending Washoe County Code at Chapter 30 by clarifying the requirements for fingerprinting/background checks, standardizing procedures and providing other matters properly relating thereto. (Bill No. 1563)"

5:37 p.m. Chairman Larkin opened the public hearing.

Chief Deputy County Clerk Nancy Parent read the title for Ordinance No. 1384, Bill No. 1563.

Commissioner Galloway asked whether the term "standardizing procedures" covered appeals for denial of a gaming license and hearings on appeal. Melanie Foster, Legal Counsel, said she thought the intent was to make sure the final processes were all consistent with each other and to meet the FBI requirements for fingerprints. Based on that, Commissioner Galloway indicated he would interpret that sections of the Ordinance dealing with appeal and hearings on appeal were covered under "standardized procedures." Ms. Foster agreed that appeared to be the case.

There was no response to the call for public comment and Chairman Larkin closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1384, Bill No. 1563, entitled, "**AN ORDINANCE AMENDING WASHOE COUNTY CODE AT CHAPTER 30 BY CLARIFYING THE REQUIREMENTS FOR FINGERPRINTING/BACKGROUND CHECKS, STANDARDIZING**

PROCEDURES AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO" be approved, adopted and published in accordance with NRS 244.100.

5:38 p.m. Commissioner Weber temporarily left the meeting.

08-992 AGENDA ITEM 19 (PLAN AMENDMENT) – COMMUNITY DEVELOPMENT

Agenda Subject: “Comprehensive Plan Amendment Case No. CP08-005--Washoe Valley Portion of the South Valleys Area Plan Update. (Commission District 2.)”

“Consider an amendment to the South Valleys Area Plan and the Washoe County Comprehensive Plan – the Washoe Valley portion of the plan excluding Steamboat and Pleasant Valleys – which were the subject of a prior Comprehensive Plan Amendment (Case No. CP05-004), adopted by the Washoe County Board of County Commissioners on August 28, 2007, and which was determined to be in conformance with the Truckee Meadows Regional Plan on January 9, 2008, establishing updated goals and policies relating to Land Use, Transportation, Scenic, Recreational and Cultural Resources, Natural Resources (Air, Land and Water), and establishing specific findings, criteria and thresholds for future amendments to the Area Plan. This update proposes to amend Area Plan policy language as it relates to the area commonly known as Washoe Valley and the Land Use Plan map to reflect proposed character management areas and will introduce an updated map series and revised table of uses. The Washoe Valley portion of the South Valleys Planning Area is comprised generally of the unincorporated areas of the southern portion of Washoe County, bounded on the west by the Forest and Tahoe planning areas, on the north by the Steamboat and Pleasant Valley portions of the South Valleys planning area, on the east by Storey County, and on the south by Carson City. AND IF APPROVED...” (see following minute item).

5:39 p.m. Chairman Larkin opened the public hearing.

Planner Lisa Brosnan conducted a PowerPoint presentation, which was placed on file with the Clerk. She explained the Board took action on August 28, 2007 to bifurcate the South Valleys Area Plan, approve the Steamboat and Pleasant Valley portions of the Plan, and provide staff direction for continued work on the Washoe Valley portions of the Plan. She indicated the Steamboat and Pleasant Valley portions were found to be in conformance with the Truckee Meadows Regional Plan by the Regional Planning Commission in January 2008. She reviewed the Board’s direction concerning the Washoe Valley portions of the Plan, which included: removal of the Specific Plan for the Weston/Lowden properties, no expansion of commercial zoning in the Old Washoe City area, analysis of land use tables to determine appropriate land uses for the area, removal of 14 units per acre zoning in the Old Washoe City area, deletion of Policy SV.24.2 regarding water transfers between hydrographic basins, and allowance of live-work units in commercial zones with a limit of two units per parcel. She displayed a list

of 15 community meetings held with various Washoe Valley groups since August 2007. Ms. Brosnan commended the Washoe Valley Working Group and other citizen groups for their hard work and dedication.

5:40 p.m. Commissioner Weber returned to the meeting.

Senior Planner Sandra Monsalve detailed the progress of the Area Plan update since August 2007. Following removal of the Specific Plan for the Weston/Lowden properties, she stated the Lowden property owners opted not to wait for approval of the Area Plan update. They subsequently received approval for a Comprehensive Plan Amendment (CPA) that changed their land use from General Rural (GR) to Medium Density Rural (MDR) zoning. She said staff presented three alternatives to the Planning Commission concerning the Weston properties located on Ophir Road, and the Planning Commission approved Alternative Two. As outlined in the staff report, Alternative Two divided the 636 acres into two portions, using the boundary line that separated the Pleasant Valley and Washoe Valley hydrographic basins. Proposed Low Density Suburban (LDS) zoning in the northern portion of the Weston properties would allow a maximum of 259 dwelling units on 1-acre lots. MDR zoning in the southern portion of the Weston properties would allow a maximum of 75 dwelling units on 5-acre lots, and was consistent with the existing Rural Development Area (RDA) designation in the Truckee Meadows Regional Plan. Ms. Monsalve pointed out that Alternative Two resulted in a maximum of 334 potential dwelling units, as opposed to the 140 dwelling units that were originally proposed in the Weston/Lowden Specific Plan. She indicated Alternative One was the preferred choice of the Washoe Valley Working Group and would leave the property with its current GR zoning configuration, resulting in a maximum of 15 dwelling units on 40-acre lots. She noted Alternative Three was presented by staff and included a mix of different land uses that would result in a maximum of 176 dwelling units.

Ms. Monsalve explained staff contacted all of the property owners in the Old Washoe City area regarding commercial zoning. She observed one property owner opted to keep LDS zoning, one selected Neighborhood Commercial (NC), and all others elected to keep General Commercial (GC) zoning. Some split-zoned parcels were cleaned up and the property owners agreed on a boundary for the Old Washoe City Historic District. She said the Area Plan would allow those located within the boundaries of Old Washoe City the option of changing their zoning to GC in the future. She stated the use tables for the Old Washoe City District had been reworked with the help of the commercial property owners and the Working Group. Although there was still GR zoning in other parts of the Area Plan, only GC or NC uses were described for the Old Washoe City Historic District. She indicated there was no high-density commercial zoning proposed, but live-work units with a maximum of two dwelling units per parcel would be allowed with a special use permit.

Ms. Monsalve noted that Policy SV.24.2 regarding water transfers had been deleted from the Plan based on the Board's previous direction.

Ms. Monsalve pointed out the community and the Working Group helped staff to work out additional policies related to hillside development and ridgeline development, resulting in the revision of Policies 6.2, 6.8, 12.5, 12.6, 12.7 and 12.8. She referred to pages 8 through 10 of the staff report, which showed specific changes made to the language in the policies.

Ms. Monsalve displayed a map entitled the South Valleys Recreational Opportunities Plan, which was included as an appendix to the Area Plan. She pointed out a parcel south of Washoe Lake and clarified that it was private property. She said there was an existing trailhead and parking area just north of the property, and staff had intended for the map to show the connectivity to the trailhead from the public lands adjacent to the parcel. However, the owner was concerned that the map showed trails on his private property. Ms. Monsalve recommended the map show the trail connectivity as “proposed” until such time as the owner entered into discussions with the County’s Regional Parks and Open Space Department.

In response to the call for public comment, Ginger Pierce thanked the Commission for approving Agenda Item 10.

William Naylor, representing the Washoe Valley Working Group, placed his written comments on file with the Clerk. He displayed a list of issues brought forward in August 2007, and stated the Working Group was still concerned that there be no Truckee Meadows Service Area (TMSA) in Washoe Valley and no Specific Plan for the Weston properties. He noted the three alternatives presented to the Planning Commission were created by staff and were not shown to the Working Group until the last moment. Although the citizens selected Alternative One as their preference, he indicated there had been no opportunity to work on other alternatives. He suggested that Alternatives Two and Three gave preferential treatment to a single landowner, implied entitlement to an excessive number of units, required inclusion in the TMSA, and proposed commercial development. Mr. Naylor pointed out these were some of the same issues Commissioner Humke had objected to at the meeting in August 2007.

David Harrison, Chair of the East Washoe Valley Citizens Advisory Board (CAB), alleged the leadership of the Community Development Department refused to present the proposed Area Plan to the Planning Commission without the three alternatives. He pointed out that two of the alternatives were in excess of what Mr. Weston had originally asked for and what the Specific Plan previously called for. He stated the CAB’s only other choice had been the status quo zoning in Alternative One, which gave the appearance that the citizens were unwilling to work with the property owner. He asked the Board to look closely at the update process and to adopt the South Valleys Area Plan without any amendments.

Jeff Church wondered whether noticing requirements had been met for the proposed zoning changes. He read from a newspaper article that suggested it would take the Truckee Meadows area 6.7 years to absorb home lots already listed on final maps and another 19.3 years to take in the remainder of the home lots allowed by current zoning.

He questioned whether there was a need for more clustered zoning in Washoe Valley. He hoped the Board would consider the CAB's reaction to the proposed Area Plan.

Shirley Pollock asked the Commission to limit the Weston development to 5-acre parcels. She stated her main concerns were the availability of water, the impact of increased traffic on Eastlake Boulevard, and the impact on Washoe Valley as a recreational and scenic area.

Danielle Osier-Tatar suggested the record number of home foreclosures and short sales in Washoe County were largely caused by unrestrained growth and unwise lending practices. She stated it was "unconscionable" to press for zoning changes that allowed more density throughout Washoe County. She requested that the Commission reconsider the proposed zoning changes.

Stephen Mollath, an attorney representing the Weston properties, pointed out his client spent tens of thousands of dollars to prepare a facilities plan and land use analysis dated April 28, 2008. He asserted the opposition wanted no development whatsoever on the Weston properties, in spite of the fact that it was surrounded by MDR- and LDS-zoned properties, was adjacent to a major access road, and was adjacent to TMSA to the north. He stated it would be unfair for Mr. Weston to have his properties carved out and to not be allowed to do anything at all. He pointed out it would not be in conformance with the Master Plan to leave the Weston properties zoned as GR. He urged the Commission to make a decision based on the technical details and reports that were available to substantiate their findings.

Randy Walter of Places Consulting, representing the Weston properties, indicated the Weston properties did not meet the criteria for GR-zoned properties as described in the Comprehensive Plan. He indicated GR-zoned properties were typically remote, contained 100-year flood plains, contained potential wetlands, had moderate to steep slopes, were publicly owned, and/or had no public infrastructure. He suggested Alternative One would not allow the Commission to make Findings 1 and 2 as outlined in the staff report. He recommended approval of Alternative Two.

Gary Riley said he had been a resident on Old Ophir Road for 26 years and strongly objected to any change in Washoe Valley's Area Plan. He stated the residents did not want high density development, did not want the TMSA, and had a right to their quality of life.

Thomas Hall, President of the West Washoe Valley Homeowners Association, said a letter had been hand-delivered by his office for inclusion in the Board's agenda packet. He pointed out most of the discussion was related to what amounted to a specific plan for the Weston properties. If the Commission were to adopt the Area Plan without amendments and follow its guidelines, he stated Mr. Weston would still have the right to come back with a development application indicating where the water would come from, where the roads would go, and where the sewer would go; and he could develop his property just like anyone else in Washoe Valley. He characterized

the Planning Commission's approval of 334 units in Alternative Two as going backwards rather than forwards. He explained Alternative Two was inconsistent with Policy 1.1.5 of the Truckee Meadows Regional Plan, which limited properties in the area to 5-acre parcels. He asked the Board to approve the Area Plan without amendments and to go with Alternative One for the Weston properties.

Marilyn Naylor asked the Board to continue the monumental effort to preserve the scenic beauty, historic sites and rural character of Washoe Valley. She said there had been a significant investment of \$40 million by various government entities and private organizations, to acquire sensitive lands in Washoe Valley for the establishment of a scenic byway. She pointed out the Area Plan already contained language supporting the creation of a scenic byway.

Susan Juetten questioned why the Weston properties deserved special treatment in the Area Plan. She wondered what compelled the Planning Commission to vote for an option that would require redoing the Pleasant Valley portion of the Area Plan and would apparently require municipal services. She stated this was the first time she had heard there was a detailed facilities plan submitted by Mr. Weston, and she did not feel it was in good faith that the citizens were never informed of that.

Debbie Sheltra pointed out Mr. Weston's facilities plans had not been presented to citizens during hearings and meetings over the last two years. She believed the Weston properties should receive the same kind of hearing already granted to the Lowden properties. She expressed support for the adoption of Alternative One.

Monika Frank suggested the use of a hydrographic basin line was an attempt by staff to create new rules to defend suburban development in Washoe Valley for the special interests of one property owner. She stated the residents spent four years following the rules, doing their homework, studying policy and protocol, communicating with the community, meeting with County officials, and defending their vision for a rural community. She said the appendix to the Area Plan resurrected the worst parts of the Specific Plan and was an unprecedented way of setting policy. She indicated development of the Weston properties should go through the CPA and TMSA amendment processes. She requested the Board approve the Area Plan without consideration for any Weston property alternatives.

Jane Countryman, Chair of the West Washoe Valley CAB, pointed out many hours of staff and volunteer citizen time resulted in a great Area Plan, with the exception of the alternatives attached to it. She said Alternative One was only approved by the CAB under duress in May 2008. She indicated the majority of the citizens in Washoe Valley were opposed to the zoning changes in Alternatives Two and Three. She suggested the addition of the alternatives was a means of reinstating the concepts of the Specific Plan that had been removed. She pointed out there were other large parcels in Washoe Valley that were not included in the Area Plan for rezoning, or given the same consideration as that being afforded to Mr. Weston. She suggested development of the Weston properties should fall under the CPA and TMSA application processes.

Bob Rusk, Liaison between the East and West Washoe Valley CAB's, discussed the history of the Area Plan update process. He said he had been a major participant in every South Valleys Area Plan update since 1980 and had not previously seen a major proposal for one property owner. He suggested the County Commissioners should take a serious look at such an approach, which was unfair to all of the citizens. He stated any developer who wanted to increase their zoning should be required to submit a stand-alone application, as had been the case for the past 30 years, rather than being slipped into an area plan update by planning staff. He asked the Board to approve the Area Plan with no alternatives or, if that would require it to go back to the Planning Commission, to select Alternative One. He commented such an action would leave the Area Plan in compliance with the Regional Plan, and make the Weston TMSA application moot.

Gary Houk remarked that Alternative Two, as approved by the Planning Commission, resulted in a 260 percent increase in density. He stated Alternative Two was not compliant with the Area Plan, the Master Plan or the Regional Plan, and suggested Mr. Weston should go through the CPA process.

Gail Binschus talked about the meaning of democracy and said she saw public officials voting time and again against the will of the people. She pointed out that many people chose to live in the Truckee Meadows because they were trying to stay away from urban sprawl, pollution and traffic jams, and could recognize beauty when they saw it. She stated the Commissioners could choose to make responsible decisions for the future of the County, its mountains, its wild animals, its forests, and its constituents.

Gary Schmidt said he was opposed to any density increases in the Area Plan. He alleged the County was broke because of the approval of density increases over the last ten years without appropriate impact fees to pay for courts, schools, roads and other infrastructure. He hoped the County Commission would listen to the public.

Ann York pointed out that Washoe Valley, including the Weston properties, was zoned as a Rural Development Area (RDA). She stated Goal 1, Policy 1.5 of the Regional Plan defined the RDA as consisting of dispersed residential, employment and other uses that did not require the provision of municipal services. To be in compliance with the Regional Plan, she said local governments must not allow additional development that required the provision of municipal service, and must not allow parcels of less than 5 acres in size.

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

Chairman Larkin circulated the public sign-in sheets and written comments submitted by the public for the Commissioners to review.

Commissioner Humke referenced four points discussed during public comment by Mr. Naylor, which came from the meeting of August 28, 2007. He asked legal counsel whether those had been reasonable expectations for the Board to send back to planning staff and the Planning Commission. Melanie Foster, Legal Counsel, emphasized that the minutes approved by the Board were the official record. She indicated there were slight variations in wording between the minutes of the meeting and what the citizen provided during public comment. She pointed out, in addition to the four items referenced during Commissioner Humke's discussion, there were six items specifically listed in the motion. She advised the Board was required to remand the Area Plan to the Planning Commission if they did not wish to approve the Planning Commission's recommendation, and could do so with direction. Commissioner Humke said he would stand on the minutes of August 28, 2007, and pointed out there were excerpts from the minutes provided by Commissioner Galloway. He referred to four problematic issues listed at the bottom of page 2 of the August 28, 2007 excerpts: (1) extension of the TMSA into Washoe Valley, (2) extension of the Old Washoe City commercial areas, (3) the Specific Plan for the Weston/Lowden properties, and (4) inclusion of the Weston/Lowden parcels in the TMSA. Ms. Foster stated the Board's approval of the Area Plan was discretionary and the four items were not unreasonable expectations with respect to the land uses and character of the land.

Commissioner Humke asked whether there was any precedent for the use of the hydrographic basin dividing line as a planning tool, and whether it would hold up against a lawsuit. Adrian Freund, Director of Community Development, explained the use of topography such as ridgelines and hydrographic basins was much more the norm in planning than not the norm. He stated such features created view sheds and visual breaks, defined the flow of surface water, and identified the approximate location of groundwater divides. He said he could not address the legal question, but it was his experience the use of such factors had held up in other areas and states. Commissioner Humke wondered whether the hydrographic basin line would provide a block to keep the TMSA out of Washoe Valley if the TMSA were allowed north of the hydrographic line and not allowed south. Mr. Freund indicated the three alternatives were presented by staff to the Planning Commission without preference. He said placing the TMSA line at the hydrographic basin was significant because of the potential to serve the area with infrastructure coming down from north of the line, and the potential to serve both water and sewer to an area below a somewhat peculiar ridgeline. He pointed out there was actually a part of the Washoe Valley basin located in the Pleasant Valley portion of the Area Plan that had existing TMSA. Mr. Freund indicated the hydrographic basin line made some sense because of the ability to provide infrastructure that would not rely on water from the Washoe Basin or waste disposal to the Washoe Basin.

Commissioner Humke questioned whether a scenario with no TMSA on the Weston Ophir Road properties would hold up in Regional Planning. Mr. Freund stated that Regional Planning preferred to have the TMSA line follow parcel boundaries, but the parcel lines for the area could be drawn to accomplish that. He said there were examples, such as the Southeast Truckee Meadows Area Plan, where the Area Plan was updated to rely on a TMSA change and the Area Plan was not found to be in

conformance with the Regional Plan for about a year until the TMSA amendment was actually accomplished. He stated the other question was whether the local planning process should determine appropriate land uses and potential infrastructure service prior to any decision about TMSA changes. He explained there was an existing TMSA application for the entirety of the Weston and Lowden properties that had been held by the Regional Planning Commission, based on joint agreement of the parties, until the Area Plan update could be completed. He indicated he did not see any potential problems with using a hydrographic basin line or some line close to it as a TMSA boundary. Commissioner Humke asked whether that meant Regional Planning was allowing Washoe County to try to control some of its own destiny as to the TMSA. Mr. Freund remarked they were at least allowing the area planning process to unfold. He reminded the Board that local government had input to the TMSA, but the decision was made by the Regional Planning Commission and the Regional Planning Governing Board.

Commissioner Galloway referred to the opinion expressed by Mr. Hall during public comment that zoning density could not be greater than the RDA designation of minimum 5-acre parcels until the Regional Plan was changed. He also referred to Mr. Freund's comment that the zoning in at least one Area Plan had been increased prior to approval of a TMSA amendment. He asked whether any legal opinion had been obtained as to whether Community Development could change zoning in the Area Plan prior to a change in the Regional Plan. Ms. Monsalve acknowledged that approval of Alternative Two would require a TMSA amendment to go forward before the Area Plan could undergo a Regional Plan conformance review. She said it was her understanding the TMSA determination for a particular area would trump the RDA designation. Based on her discussions with Mr. Freund, Ms. Foster stated she had been advised that Regional Planning treated planning as sort of an iterative process. She said it was recognized that a conformance finding could not be made absent the existence of the TMSA that would allow the zoning. She indicated the notice requirements to change zoning had been met in this case. She reiterated the Board's options were to approve the recommendation of the Planning Commission or to remand the Area Plan back to them.

A discussion ensued between Commissioner Galloway, Ms. Foster and Mr. Freund as to the Board's options for providing direction to the Planning Commission if the Area Plan were remanded back to them. Ms. Foster emphasized the statute did not allow the Board to make a change until the proposed change or addition had been referred to the Planning Commission and they reported back to the Board. Mr. Freund recommended the Board express any concerns clearly to the Planning Commission and provide some boundary as to what they should report back on. He remarked that Regional Plan amendments were proposed all the time; that an Area Plan could be held up until the Regional Plan was amended, or it could be done the other way around.

Commissioner Jung questioned why the same benefits and features of the Area Plan were not offered to other large property owners. Ms. Monsalve explained that CPA applicants were often advised to work with staff on Area Plan changes that might or might not include their property. She said a CPA application and fee had been received from Mr. Weston when the Area Plan update process was just beginning. She pointed out

Mr. Lowden later opted to submit a separate CPA application rather than wait for the Area Plan update. Commissioner Jung asked about the amount of the fee. Ms. Monsalve stated the initial fee was \$5,500 and fees had gone up significantly in July 2008. She indicated Mr. Lowden paid the fee twice and was eventually able to get through the CPA process to change his zoning to 5-acre parcels, which was consistent with the RDA designation in the Regional Plan. She said Mr. Weston opted to stay with the Area Plan update process. She indicated there had been land use changes affecting other large property owners during the North Valleys Area Plan update and the Spanish Springs Area Plan update, but no other large property owners had come forward in Washoe Valley.

Commissioner Jung observed staff had not waited for the commercial property owners in the Old Washoe City area to come forward, but had noticed all of them. Ms. Monsalve explained the Old Washoe City area had been brought forward for NC zoning, but nobody knew about it. She said she sent letters to all of the property owners within the boundary asking whether they preferred GC, LDS or NC zoning. All of the property owners requested GC except two parcels. She stated notices were also sent to about 2,200 people regarding the Area Plan update meetings before the Planning Commission and the Board of County Commissioners.

Commissioner Jung asked when the alternatives for the Weston properties were created. Ms. Monsalve indicated there was a new process where staff would bring alternatives to the communities instead of just telling them 'this is what it is going to be.' She stated all three of the alternatives were brought to the community and the Working Group in the spring of 2008. She noted Alternative One was grudgingly approved at a CAB meeting because it represented the current zoning and the citizens were told they needed to pick one alternative to be brought forward to the Planning Commission. Commissioner Jung questioned what policy enabled staff to come forward with alternatives that did not recognize what the Board had instructed staff and the Planning Commission to do. Mr. Freund pointed out all three alternatives were noticed to the community, the Working Group and the CAB's well ahead of time. He explained a process that included alternatives was put into place because the last attempt at an Area Plan update had not gone smoothly and the Planning Commission had no alternatives from which to choose. He stated the Planning Commission was the body that was statutorily charged with considering all of the factors to formulate a master plan. He said it was thought to be a more reasonable approach to educate the Planning Commission by bringing forward a series of alternatives, as compared to presenting them with a single document. Additionally, the process of providing alternatives evolved in order to incorporate more extensive citizen participation. He reiterated there was no preference given by staff when the alternatives were presented to the Planning Commission. He commented that staff had previously indicated how they believed the Board's direction was incorporated into the three alternatives, with the possible exception of Commissioner Humke's concern regarding TMSA for the Weston/Lowden properties. During discussion of the TMSA, he noted there had been no qualification as to which basin the Weston/Lowden properties fell into. He indicated it was important to recognize the Weston properties constituted a very significant area that was adjacent to zoning of three dwelling units per acre zoning located immediately across Highway 395.

Commissioner Jung wondered how long it had been the normal practice for Community Development to ask developers to hold off while Washoe County was updating an area plan. Mr. Freund stated it had occurred in some area plan updates and not in others during the six years he had been with the County, but was a more common practice when there were significant changes to be made. He cited the North Valleys Area Plan as probably the largest example, and indicated there were more modest changes during the updating of the Spanish Springs Area Plan. He acknowledged there were various opinions on how the updating process should proceed and it was particularly challenging because of the County's peculiar one-map system. He said it was fairly normal within the planning profession to include specific land use changes within these types of updates. He explained a two-map system would incorporate a much broader master plan and a separate zoning map, and the two would be acted on separately in a much more orderly process. He observed the master planning process would rarely get into individual property owner issues with a two-map system. Commissioner Jung asked roughly how much it would cost the taxpayers to convert to a two-map system. Mr. Freund indicated it would involve a great deal of staff time and effort. Although he could not give real numbers without coming back to the Board with more analysis, he estimated a few hundred thousand dollars.

Chairman Larkin referred to a document containing excerpts from the County Commission meetings of May 22 and August 28, 2007. He pointed out there had been citizen objections to municipal sewer and water systems coming into Washoe Valley through the TMSA during those meetings, and he had specifically asked staff to work out those issues. He noted staff's response was that there were policies in the Area Plan to retain rural character by not requiring municipal services in Washoe Valley, but requests for TMSA amendments into Washoe Valley would be utilized for the distinct purpose of protecting health, safety and welfare. Chairman Larkin asked how that explanation met his request to work out issues related to the TMSA. Mr. Freund clarified there was a lot of confusion caused by somewhat of an artificial planning boundary that had been established some time ago, which simply ran across a section line. Chairman Larkin noted the concept of Washoe Valley in some instances referred to the Area Plan boundary and in some instances referred to the hydrographic basin, but discussion of the TMSA centered around the hydrographic basin. Mr. Freund agreed the hydrographic basin was one issue. He pointed out the protection of public health, safety and welfare was a separate issue, and it was important for any increased densities to be served by infrastructure that did not discharge to the Washoe Valley hydrographic basin. Although the basin had a healthy sustainable yield, he stated there were numerous quality problems and east Washoe Valley already had about 1,100 septic tanks.

Chairman Larkin remarked that the development of land was at the peril of the landowner, but he was more interested in the policy considerations related to the County's planning and its planning roles. He noted there had been a very long and hard fought battle to develop the Regional Plan as a template, and asked how the alternatives for the Area Plan fit into the Regional Plan. Mr. Freund listed planning issues related to the Weston properties, including: whether or not there would be some TMSA expansion,

maintaining the principle of growth contiguous to existing areas of growth, working toward densities in the Washoe County TMSA to achieve the overall target of four persons per acre, and developing in areas where the higher densities could be sustained. Chairman Larkin pointed out the Weston properties were not in the TMSA and adding them appeared to be in direct conflict with the requirement of four persons per acre that everyone agreed to within the existing TMSA. He commented that Washoe County had a deficit of TMSA 'buckets' and questioned whether adding TMSA would add to the deficit. Mr. Freund indicated the Weston TMSA application did not draw against the County's 640-acre TMSA bucket because it was filed prior to June 30, 2007. Chairman Larkin acknowledged that might be a fact, but he stated it was made very clear in Regional Plan Settlement Agreements that growth should occur to the north and east. He asked Mr. Freund to reconcile that with any proposed intensification to the south. Mr. Freund stated the Regional Plan had policies that allowed for TMSA amendments and regional growth. He said it was extremely evident that a TMSA amendment had to occur if the Weston properties were to have densities higher than 5-acre parcels, or the properties would be limited to 5-acre parcels if no TMSA amendment occurred and the properties stayed in the RDA. He remarked there were some more refined questions about what was a good way to develop within the hydrographic basin, where municipal water and sewer services would ultimately be driven by a health declaration. Chairman Larkin asked whether there was a water line coming up through St. James Village. Mr. Freund confirmed there was a water line going to Sierra Reflections, and pointed out a part of St. James Village was located in the Washoe Valley hydrographic basin.

In reviewing the Planning Commission's analysis, Chairman Larkin noted he did not see any consideration related to the larger policy issue of the Regional Plan and regional growth patterns. He suggested the Planning Commission should be asked to specifically address that if the Area Plan was remanded back to them. He emphasized he had no prejudice against the Weston project or the staff recommendations for the Area Plan, but he was interested to know how intensification within the Area Plan would comply with the Settlement Agreement and with regional planning issues.

Chairman Larkin questioned whether there was any merit in considering adjustment of the boundary lines to include the use of a hydrographic line. Mr. Freund suggested there was some merit to doing that, and pointed out it had been done in some other places. Whenever that was done, he said staff tried to square up the boundaries for planning areas, hydrographic basins and commissioner districts, but sometimes came up with an imperfect match. Chairman Larkin said it appeared using the hydrographic line would put the southern portion of the Weston properties into the Pleasant Valley portion of the planning area. He questioned what kind of staff effort might result from that. Mr. Freund indicated it would be fairly easy to provide some kind of overlay, and staff could suggest some future amendments to the planning areas if that was the Board's desire.

With respect to municipal lines moving south to St. James Village, Commissioner Humke recalled posing a question to the former Director of Water Resources as to whether there was capacity for other people south or southeast of the area to tap into the sewer or water lines. He said he remembered being told it would not

happen based on sizing of the lines. County Manager Katy Simon said she did remember and she thought the intention had not been to say it was impossible, but that the sizing at that point had not been designed to accommodate additional extensions. She noted she did not have the engineering background to attest to the sizing of the lines. Commissioner Humke stated the sizing had been based on full build-out of St. James Village, as well as agreements made with intervening property owners who wanted to tap into the lines in exchange for easements to allow the lines to traverse their properties. He remarked he had asked the question for a reason and it now appeared to be a foregone conclusion that someone could tap into the lines. Ms. Simon offered to confirm the engineering information.

Commissioner Humke commented that the 2002 Settlement Agreement called for pushing growth toward Spanish Springs, Sparks and the North Valleys in order to protect Washoe Valley to the south.

Commissioner Humke said he wanted to find a way the citizens could focus on a host of well-defined options. He emphasized the citizens were reasonable and understood the nature of compromise. Mr. Freund pointed out that Ms. Monsalve and Ms. Brosnan had moved a long way and resolved all of the Area Plan issues except those related to the Weston properties. At the Board's direction, he stated staff was certainly willing to enter into some focused discussions and elaborate on other alternatives.

Commissioner Weber thanked everyone for coming out and encouraged the citizens to keep trying to find a compromise. She disclosed that she was not related to former Chairman Weber of the Planning Commission.

Commissioner Galloway acknowledged Mr. Mollath made a convincing point that there could be legal problems with zoning all of the Weston properties as GR. If it were up to him to make an immediate decision, he remarked that he would not personally support either the 176 potential lots in Alternative Three or the 334 potential in Alternative Two. He suggested asking the Planning Commission to look at a range of densities and to make a record that they had considered the intent of the Regional Plan to direct growth principally to the north and east of Washoe County's populated areas.

Commissioner Humke added that traffic at the intersection of Eastlake Boulevard and Highway 395 was problematic. He wondered whether it was possible to direct some new road intersecting Highway 395 further north toward the Stations Casino. Mr. Freund indicated it would be good input to the Regional Transportation Commission and the Nevada Department of Transportation, but would probably not be considered in detail until there was a specific development plan under consideration.

Commissioner Galloway said staff had done a great job of dealing with the numerous points raised in the May 2007 and August 2007 meetings. He suggested the Board ask the Planning Commission to make a record reflecting their response to the intent of the Regional Plan to direct growth north and east, as well as a record showing their consideration of the existing difficult access problems at Eastlake Boulevard and

Highway 395. He pointed out there was still an issue with where the TMSA was appropriate in regard to the intent of the Regional Plan. He said the issue of no TMSA in Washoe Valley came down to a question of what was meant by Washoe Valley and whether that meant the hydrographic line. He pointed out the Planning Commission had the ability to go anywhere in between the alternatives that were shown to them.

Ms. Monsalve remarked that Mr. Mollath had expressed a willingness to work with staff, with the Planning Commission, and with the County Commission to reach some sort of resolution regarding an alternative for the Weston properties.

Commissioners Jung, Galloway and Humke each disclosed conversations they had with several citizens and concerned parties regarding the Area Plan update.

Commissioner Weber suggested there should be some sort of a timeline. Ms. Foster confirmed there was an automatic period of 40 days for the Planning Commission to respond, unless the Board chose to set another time period.

Commissioner Jung recommended the Board take a look at policy. She said it gave her pause that developers were asked to hold off on their applications, which implied a certain amount of promise for help at the staff level. She indicated she would rather see area plans updated and the updates then applied to developers who came through with proposed projects. She expressed concern that Mr. Lowden's original CPA application had only asked for 140 homes. She thought staff's recommendation of higher densities was a slap in the face to the citizens who had dedicated so much of their time to the process. She suggested a policy of telling developers to hold off while an area plan was structured in a certain way contributed to making the citizens feel blindsided.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the Washoe Valley portion of the South Valleys Area Plan Update in Agenda Item 19 be remanded to the Planning Commission, with the principle issues involving the high number of units and the densities recommended by the Planning Commission. The Board of County Commissioners noted it could not make Findings 1 through 4 as outlined on page 11 of the staff report. The matter was remanded for the Planning Commission to respond to those concerns and, in particular, to consider alternatives of land use that would result in less density and less total potential units in the range between and including Alternative One and Alternative Three. In coming back to the Board with a recommendation, the Planning Commission was instructed to make a record to reflect concerns about expanding the Truckee Meadows Service Area (TMSA) in a southern direction given the intent of the Regional Plan to direct growth to the north and east of the currently populated areas, and to make a record to reflect the existing difficulties with access and traffic problems at the intersection of Eastlake Boulevard and Highway 395.

AGENDA ITEM 19 (RESOLUTION) – COMMUNITY DEVELOPMENT

Agenda Subject: “Comprehensive Plan Amendment Case No. CP08-005--Washoe Valley Portion of the South Valleys Area Plan Update. (Commission District 2.)”

(IF 08-992 APPROVED) “Authorize the Chair of the Board of County Commissioners to sign the Resolution Adopting the Amended South Valleys Area Plan (CP08-005), a part of the Washoe County Comprehensive Plan. Such signature by the Chair to be made only after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.”

The Board did not consider adoption of the Resolution. Please see discussion under minute item 08-992 above.

AGENDA ITEM 21 – CLOSED SESSION

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

The Board did not hold a closed session.

* * * * *

8:16 p.m. There being no further business to discuss, on motion by Commissioner Galloway, seconded by Commissioner Jung, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by Lisa McNeill,
Deputy County Clerk*

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made and entered into this 9th day of September, 2008, by and between City of Reno, a political subdivision of the State of Nevada and the WASHOE COUNTY, a political subdivision of the State of Nevada, hereinafter referred to as CITY and COUNTY respectively.

A. WHEREAS, CITY and COUNTY desire to provide for security at the Community Assistance Center; and,

B. WHEREAS, NRS 277.180(1) requires that the interlocal agreement fully set forth the purposes, powers, rights, objectives and responsibilities of the contracting parties, and be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into the Agreement by this reference, the parties mutually agree as follows:

1. Services; Term. With the funds made available from County to City pursuant to this Agreement, City will use the funds to provide on-site security seven (7) days per week at the Community Assistance Center located at 315 Record Street, Reno, Nevada beginning July 1, 2007 through June 30, 2008 for the services described in Exhibit A attached hereto (The exhibit is taken from the contract City has with Contractor hired by City. The language of the exhibit describes the services performed by the City's contractor.)

2. Compensation; Method of Payment. For the performance of the services set forth in Section 1, County shall provide \$60,009, including \$34,518 paid for services in July, August, and September. City shall provide \$53,000 for the performance of services as set forth in Section 1. Payments will be made upon submission of approved invoices. Payment by Washoe County will be made to the City upon receipt of a request with evidence of payment. Payment for services shall not exceed \$113,009.

3. Amendment and Assignment This Agreement may be amended at any time there is a need, provided both parties agree to the amendment(s) in writing. Any amendment is subject to approval by the governing bodies of the parties as a condition precedent to its entry into force. Neither party may assign this Agreement without the express written consent of the other party.

4. Effective Date This Agreement shall become effective once approved by appropriate official action of the governing body of each party.

5. Governing Law This Agreement shall be governed by the laws of the State of Nevada. In the event litigation ensues arising out of this Agreement, it shall be filed in the Second Judicial District Court, Washoe County, Nevada.

6. Notices All written notices required under this Agreement shall be addressed to the designated representative of the respective parties.

Gabrielle Enfield
Community Support Administrator
Washoe County Manager's Office
P.O. Box 11130
Reno, NV 89520
775-328-2009

Jodi Royal-Goodwin
Community Reinvestment Manager
City of Reno
P.O. Box 1900
Reno, NV 89505
775-334-2305

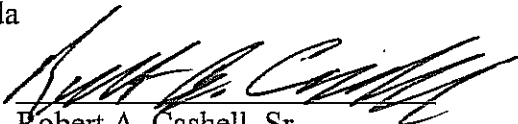
7. Indemnification. Subject to the limitations of applicable law, and without waiving its statutory protections, the City and the County shall defend, hold harmless and indemnify each other and their respective officers and employees from all costs and claims for damages to real or personal property, or personal injury to any third party, resulting from the negligence of the County or City or their employees, or its agents, arising out of the performance of the services set forth in Section 1 of this Agreement.

8. No Third-Party Beneficiary. This Agreement does not create for the public, or any member thereof, a third-party beneficiary right or remedy.

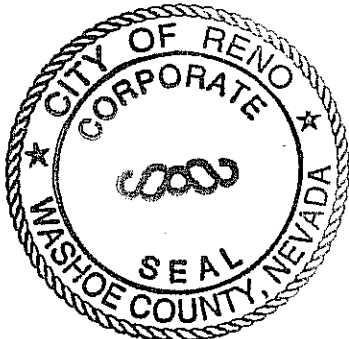
9. Entire Agreement. This Agreement is the entire agreement of the parties and supersedes all prior negotiations and agreements whether written or oral. This Agreement may be amended only by written agreement. No purported oral amendment to this Agreement shall be valid.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement the day and year first written above.

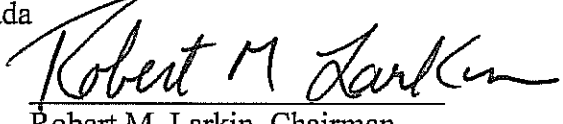
THE CITY OF RENO
a municipal corporation of the State of
Nevada


By: 
Robert A. Cashell, Sr.
Mayor

Attest:
By: 
Lynnette R. Jones
City Clerk



WASHOE COUNTY,
A political subdivision of the State of
Nevada

By: 
Robert M. Larkin, Chairman
Washoe County Commission

Attest:
By: 
for Amy Harvey
Washoe County Clerk

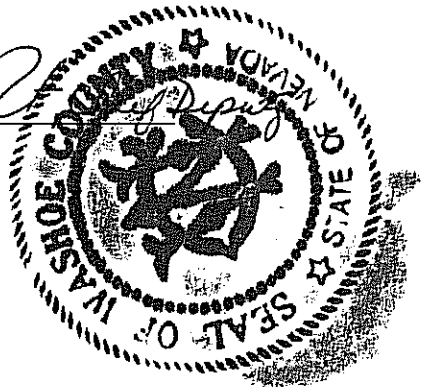


Exhibit A

SCHEDULE OF DUTIES

NOTE-Contractor shall provide services as directed by the designated representative of the City. Security guard services, as directed, shall be performed to the satisfaction of the designated representative. Contractor shall refer to Exhibit A for location and guard requirements which may be changed at any time upon request from the City to the Contractor. The duties below represent some of the duty requirements at the CAC. City may adjust requirements, location and hours upon notification of the Contractor.

Community Assistance Center (CAC)-

For the Community Assistance Center and Area identified in Exhibit B, the following schedule of duties shall apply in addition to the provision indicated above:

The security guards are to perform the following duties 8:00 a.m. to 12:00 a.m. seven (7) days per week.

1. Starting at beginning of shift and subsequently at least once every half-hour thereafter, patrol the entire immediate exterior of the Community Assistance Center South Building as indicated in Exhibit B, to deter vandalous, criminal, or threatening behavior, and enhance the safety of the employees and program staff coming and leaving work.
2. Patrol, when needed in emergency situations, the interior of the Community Assistance Center South Building. Identified need will be indicated by program staff, clients, police, volunteers, or medical personnel when assistance is needed on the inside of the building. Again, inside patrol/assistance should only be executed in emergency situations and should not consist of the majority of the shift. In all incidents of inside assistance, an incident report should be taken.
3. At least once per hour patrol the exterior of buildings as indicated in Exhibit B and includes the areas surrounding:
4. The following standards of behavior shall be maintained by all security guard personnel. The primary purpose of security services is to be viewed as a visual deterrent to disruptive or inappropriate behaviors. These behaviors may include, but not be limited to the following:
 - a. Severe intoxication
 - b. Drug use
 - c. Physical or verbal abuse of participants, staff, volunteers, or security guards
 - d. Theft
 - e. Client exploitation; panhandling
 - f. Non-compliance with established regulations
 - g. Sleeping
 - h. Nudity
 - i. Urination or defecation in, on or around anything not designated a public restroom
5. The Community Assistance Center provides a variety of assistance to many people who are experiencing difficulties of one form or another. Because of this, all client records and

information within the Community Assistance Center are considered confidential by Federal funding sources, and Nevada Revised Statutes. Policy prohibits dissemination of confidential information. This policy shall apply to security guard personnel as well.

6. Security guards are to patrol, observe, and enforce, where necessary
7. Security guards are not to:
 - a. Spend time visiting with clients, staff, or members of the public unless directly related to the guard's official duties.
 - b. Escort clients to and from the building.
 - c. Discuss client problems.
 - d. Provide counseling to clients.
 - e. Perform personal business on contracted time.
 - f. Discuss personal problems with clients and staff.
 - g. Eat or drink while on patrol.
8. These standards are subject to revision at any time.

INTRASTATE INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES

A Contract Between the State of Nevada
Acting By and Through Its

Department of Health and Human Services
Division of Welfare and Supportive Services
1470 College Parkway
Carson City NV 89706
775-684-0648

and

The Second Judicial District Court of the State of Nevada
in and for the County of Washoe
Family Division
75 Court Street 2nd Floor
Reno, NV 89501

WHEREAS, NRS 277.180 authorizes any one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform; and

WHEREAS, it is deemed that the services hereinafter set forth are both necessary and in the best interests of the State of Nevada;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. REQUIRED APPROVAL. This Contract shall not become effective until and unless approved by appropriate official action of the governing body of each party.
2. DEFINITIONS. "State" means the State of Nevada and any state agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
3. CONTRACT TERM. This Contract shall be effective upon approval to effective October 1, 2008, upon Board of Examiner approval, to September 30, 2012, unless sooner terminated by either party as set forth in this Contract.
4. TERMINATION. This Contract may be terminated by either party prior to the date set forth in paragraph (3), provided that a termination shall not be effective until 60 days after a party has served written notice upon the other party. This Contract may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Contract shall be terminated immediately if for any reason State and/or federal funding ability to satisfy this Contract is withdrawn, limited, or impaired.
5. NOTICE. All notices or other communications required or permitted to be given under this Contract shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other party at the address set forth above.
6. INCORPORATED DOCUMENTS. The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT A: SCOPE OF WORK

ATTACHMENT B: PROGRAM NARRATIVE

7. CONSIDERATION. Second Judicial District Court agrees to provide the services set forth in paragraph (6) at a cost of actual cost per monthly invoice with the total Contract not exceeding \$30,000.00 for fy 09, \$30,000 for fy 10, \$30,000 for fy 11 and \$30,000 for fy 12 for a total contract amount not to exceed \$120,000.00. Any intervening end to an annual or biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.
8. ASSENT. The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations expressly provided.
9. INSPECTION & AUDIT.
- a. Books and Records. Each party agrees to keep and maintain under general accepted accounting principles full, true and complete records, agreements, books, and documents as are necessary to fully disclose to the other party, the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with any applicable regulations and statutes.
 - b. Inspection & Audit. Each party agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the party, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location where such records may be found, with or without notice by the other party, the State Auditor, Employment Security, the Department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the State Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives.
 - c. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained by each party for a minimum of three years and for five years if any federal funds are used in this Contract. The retention period runs from the date of termination of this Contract. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.
10. BREACH; REMEDIES. Failure of either party to perform any obligation of this Contract shall be deemed a breach. Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to actual damages, and to a prevailing party reasonable attorneys' fees and costs.
11. LIMITED LIABILITY. The parties will not waive and intend to assert available NRS chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. To the extent applicable, actual contract damages for any breach shall be limited by NRS 353.260 and NRS 354.626.
12. FORCE MAJEURE. Neither party shall be deemed to be in violation of this Contract if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Contract after the intervening cause ceases.
13. INDEMNIFICATION. Neither party waives any right or defense to indemnification that may exist in law or equity.
14. INDEPENDENT PUBLIC AGENCIES. The parties are associated with each other only for the purposes and to the extent set forth in this Contract, and in respect to performance of services pursuant to this Contract, each party is and shall be a public agency separate and distinct from the other party and,

subject only to the terms of this Contract, shall have the sole right to supervise, manage, operate, control, and direct performance of the details incident to its duties under this Contract. Nothing contained in this Contract shall be deemed or construed to create a partnership or joint venture, to create relationships of an employer-employee or principal-agent, or to otherwise create any liability for one agency whatsoever with respect to the indebtedness, liabilities, and obligations of the other agency or any other party.

15. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

16. SEVERABILITY. If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the nonenforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.

17. ASSIGNMENT. Neither party shall assign, transfer or delegate any rights, obligations or duties under this Contract without the prior written consent of the other party.

18. OWNERSHIP OF PROPRIETARY INFORMATION. Unless otherwise provided by law or this Contract, any reports, histories, studies, tests, manuals, instructions, photographs, negatives, blue prints, plans, maps, data, system designs, computer code (which is intended to be consideration under this Contract), or any other documents or drawings, prepared or in the course of preparation by either party in performance of its obligations under this Contract shall be the joint property of both parties.

19. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents may be open to public inspection and copying. The parties will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

20. CONFIDENTIALITY. Each party shall keep confidential all information, in whatever form, produced, prepared, observed or received by that party to the extent that such information is confidential by law or otherwise required by this Contract.

21. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract and that the parties are authorized by law to perform the services set forth in paragraph (6).

22. GOVERNING LAW; JURISDICTION. This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. The parties consent to the jurisdiction of the Nevada district courts for enforcement of this Contract.

23. ENTIRE AGREEMENT AND MODIFICATION. This Contract and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto, approved by the State of Nevada Office of the Attorney General.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

Signature Date

Title

Nancy K. Ford Date

Administrator,
Division of Welfare and Supportive Services
Title

Michael J. Willden Date

Director,
Department of Health and Human Services
Title

Signature – Nevada State Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On _____
(Date)

Approved as to form by:

Deputy Attorney General for Attorney General, State of Nevada

On _____
(Date)

ATTACHMENT "A"

SCOPE OF WORK

I. The SECOND JUDICIAL DISTRICT COURT Agrees

- A. To comply with and provide services listed in the Program Narrative attached hereto and incorporated by reference as Attachment B.
- B. That within thirty (30) days of this contract being finalized; the SECOND JUDICIAL DISTRICT COURT, in Washoe County, will provide the Division of Welfare and Supportive Services (DWSS) with a proposed budget and a plan detailing the proposed use of funds for the grant year and the goals and objectives to be accomplished through the use of the grant.
- C. To limit any claim for reimbursement to those costs:
 - 1) Required to provide mediation services, supervised visitation, child interviews or parent-child reunifications to assist parents in the formulation and implementation of mutually agreed upon access and visitation arrangements to meet the purpose of the Child Support Access and Visitation grant awarded by the federal Department of Health and Human Services, Administration for Children and Families, to the State of Nevada, Department of Health and Human Services, Division of Welfare and Supportive Services, Child Support Enforcement Program, and
 - 2) For reimbursement of equipment costs, travel, and mediation training which enhances staff's ability to provide the services listed in item 1 above which must be pre-approved by the Chief of the Child Support Enforcement Program. This includes registration fees, travel expenses, and per diem at the state rate.
- D. To comply with Section 508 of Public Law 103-333 which requires issuances and solicitations and other documents describing programs and projects funded in whole or part with federal funds to indicate the extent to which the program or project is funded by federal funds.
- E. To comply with Public Law 103-277, Part C- Environmental Tobacco Smoke (also known as the Pro-Children Act of 1994) - Which requires smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health care services, day care, and education to children under the age of 18, if the services are funded by federal programs, whether directly or through state and local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for in-patient drug and alcohol treatment.

Failure to comply with the provision of this law may result in the imposition of a civil monetary penalty of up to \$1,000.00 per day which the SECOND JUDICIAL DISTRICT COURT, in Washoe County, will responsible for paying.

- F. To comply with section 303.109(a) of 45 Code of Federal Regulations (CFR) Part 303 to provide appropriate safeguards to ensure the safety of children and parents. This will include providing copies of all safety protocol and procedures in place.
- G. The expenditure of funds under this program are subject to the annual audit requirements under the Single Audit Act of 1984 (P.L. 98-502) and the Office of Management and Budget Circular A-133 (Audit of States, Local Governments, and Non-Profit Organizations).
- H. Federal funds awarded under this grant must not be used for construction and/or purchase of land.
- I. Funds awarded under this grant must be obligated by the last day of each grant year, i.e. for the first grant year of this contract, by September 30, 2009. Obligations must be liquidated within one year of the last day of each grant year, i.e. September 30, 2010 for the first year grant. Any unobligated or unliquidated funds must be returned to the Federal Department of Health and Human Services, Administration for Children and Families. There is no carry over of federal funds under the State Access and Visitation Program.
- J. To provide monthly reports, as requested by the agency, concerning the activity for the Access and Visitation Program.
- K. To provide monthly bills for reimbursement within thirty (30) days of the end of the month in which the expenses are incurred unless the Chief of the DWSS Child Support Enforcement Program grants an approval for an extension. Consideration for reimbursement will be considered if the appropriate reports are received.

II. DWSS Agrees

- A. To submit an original financial status report (SF-269) of expenditures for each fiscal year within 90 days after the end of the obligation period (due December 31, 2008 for the first grant year). An original financial status report (SF-269) of expenditures for each fiscal year must also be submitted within ninety (90) days after the end of the liquidation period (due December 31, 2009 for the first grant year).
- B. To monitor, evaluate and report on all programs funded by this grant in accordance with regulations to be adopted by the Secretary of Health and Human Services.
- C. To use Federal State Access and Visitation grant funds to supplement state expenditures at a level at least equal to the level of state expenditures of fiscal year 1995. A state may not use Federal State Access and Visitation funds to supplement expenditures by the state for activities specified in subsection (a) of section 469B of PRWORA of 1996.
- D. The Federal Department of Health and Human Services regulations codified in Title 45 of the Code of Federal Regulations are applicable:

Part 16	Procedures of the Department Grant Appeals Board;
Part 30	Claims Collection;
Part 75	Information Grant Appeals Procedures;

- Part 76 Government Debarment and Suspension and Government-wide Requirements for a Drug –Free Workplace;
- Part 80 Non-Discrimination Under Programs Receiving Federal Assistance Through the DHHS Effectuation of Title IV of the Civil Rights Act of 1964;
- Part 81 Practice and Procedures for Hearing Under Part 80;
- Part 84 Non-Discrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance;
- Part 86 Non-Discrimination on the Basis of Sex;
- Part 91 Non-Discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance;
- Part 92 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (includes by reference OMB Circular A-87, “Cost Principles for State, Local and Indian Tribal Governments”)
- Part 93 New Restrictions on Lobbying

- E. To carry out this grant in accordance with section 469B of Title III of PRWORA of 1996, the State Access and Visitation application and plan, provision of 45 CFR Part 92 governing the use of federal funds, applicable program instructions, OMB circulars, departmental regulations, and these terms and conditions.
- F. Federal funds awarded under this grant may be used to pay for 90% of the total costs of Nevada’s State Access and Visitation Program, up to the State’s allocation funded under this grant award. The remaining 10% must be from non-federal sources, either State or local, cash or in-kind.

III. The PARTIES Mutually Agree

- A. This interlocal contract shall be effective from October 1, 2008 through September 30, 2012 unless sooner revoked with or without cause by either party upon sixty (60) days prior written notice to the other party.
- B. This interlocal contract may be revised by written approval of all parties signed below, or their designees.
- C. Reimbursement will be made by DWSS to the SECOND JUDICIAL DISTRICT COURT, in Washoe County, upon receipt and review of monthly billing. Reimbursement will not exceed the approved annual budget.
- D. The parties recognize their responsibility to safeguard and hold confidential, any record or document relating to the grant participants, and both parties agree any information provided pursuant to this interlocal contract shall be used only for the purposes authorized by this interlocal contract.
- E. Each party shall indemnify and remain liable for the negligent acts of its own employees.
- F. There shall be no discrimination in employment or services on the basis of race, color, sex, religion, national origin, age, sexual orientation, disability or handicap (including AIDS and AIDS

related conditions), and shall comply with all terms, conditions and requirements of the Americans with Disability Act of 1990 (P.L. 101-136), 42 U.S.C. 12101 and regulations adopted there under in 28 CFR subsections 36.101 through 36.999, inclusive.

- G. The party's obligation here under is contingent upon the availability of funds from which payment for contract purposed can be made. No legal liability on the part of the State for payment of any money shall arise unless and until funds are made available by the Federal Department of Health and Human Services, Administration for Children and Families and the State Work Program Authority Funding.

No legal liability on the part of the State for payment of any money shall arise in the event federal funding becomes unavailable.

- H. This interlocal contract shall be governed by the laws of the State of Nevada.
- I. This contract will be reviewed periodically by DWSS, not less than once per duration of the contract, to be conducted not less than ninety (90) days prior to the expiration date of this contract, to ensure that continuous mediation services are provided.

ATTACHMENT "B"

PROGRAM NARRATIVE

Mediation services are provided by vendors in both the Second and Eighth Judicial District Family Courts, which encompass Washoe and Clark Counties in Nevada. It is the intent of the Division of Welfare and Supportive Services (DWSS) to divide the Access and Visitation grant funds, awarded by the Federal Department of Health and Human Services, Administration for Children and Families, to these two respective Family Courts to provide mediation services, supervised visitation, child interviews and parent-child reunifications.

Both judicial district mediation programs have been in existence for more than five years and have a vast array of experience with access and visitation issues. In addition, each agency has adequate capabilities and resources to carry out the project objectives as referenced in the following project description.

A. PROJECT DESCRIPTION - Components

1. PROJECT SUMMARY/ABSTRACT

Public Law 104-193 Title III Subtitle I - Enhancing Responsibility and Opportunity for Non-Residential Parents directs grants to states for access and visitation programs. The State of Nevada requests funding to provide for the mediation of visitation in child support cases filed in the Second Judicial District Family Court (Washoe County) and in the Eighth Judicial District Family Court (Clark County). The funding will be used to provide mediation services, provide supervised visitation, formulate parenting plans, and participation in other auxiliary services by the parties. The Parenting Plans (agreements) provide for a consistent and predictable schedule of contact between the child(ren) and the non-custodial parent.

Supervised visitation and parent-child reunification will give parents access to services for the introduction or reintroduction of a parent to the child, providing the child a safe environment in which to get to know or become reacquainted with a parent before implementation of a time share agreement.

Mediators assigned to child support cases will work specifically toward formulation and implementation of mutually agreed upon time-share arrangements, depending on each individual situation either before or after supervised visitation. The major underlying philosophy is the child's best interest. Information about developmental needs and age appropriate time-share arrangements is provided in context of mediation. The goal of supervised visitation and mediation is to afford the children an opportunity to have a healthy, secure, bonded relationship with each parent.

2. OBJECTIVES AND NEED FOR ASSISTANCE

The program in Nevada is broadened to include married and unmarried parent's cases falling within the Child Support Enforcement Program. Many parents want assistance in being the best possible parent. Provision of mediation services to parents can be provided by the court where communication between parents has broken down to the point of being so limited or nonexistent as to be detrimental to the child. The

implementation of services such as mediation and supervised visitation affords parents, who are unable to pursue access/visitation through the Family Court, an opportunity to explore resolution of access/visitation issues in a neutral, non-confrontation setting.

Mediation and supervised visitation provides vital support to the courts but is autonomous to preserve and present neutral, independent and specialized services and processes to courts and families. The objective of supervised visitation is for the child to become familiar with a biological parent who may be unknown to the child in a safe and neutral setting. A side benefit is an increase in the custodial parent's comfort level and knowledge of the types of interaction, which occur between the child and non-custodial parent before entering into a time-shared agreement. The objective of mediation is to provide a non-adversarial forum to assist parents toward mutually satisfactory periods of custodial responsibility. Facilitating an agreement between the parents, and providing an opportunity for discussion of the child's needs, is the primary goal.

Mutual agreement between parents provides benefits for all family members. The custodial parent gains a viable support system, the non-custodial parent has a greater opportunity for involvement, and the child benefits from having a relationship with both parents. This can result in greater commitment, provide better communication and conflict resolution skills, and give more incentive to share parental resources.

Studies also suggest when parents are empowered to be the architects of their own resolution, they have a greater commitment to following through. A cooperative co-parenting relationship has significant benefits for the social, economic and psychological development of the child. Studies show parental conflict is the greatest source of emotional impairment for children. Maintaining a cooperative co-parenting relationship is often impossible when faced with the strain of an adversarial court process. Repeated litigation to ensure enforcement also places severe emotional and financial burdens on parents. Parental sabotage of child support court orders, in which the parents have not participated in the visitation resolution, is common. This has serious implications for the child due to potential for instability, and the lack of adequate structure and accessibility.

3. RESULTS OR BENEFITS EXPECTED

Benefits to all family members can result through mediation services. At present, there are approximately 700 court-connected programs throughout the United States.

The emphasis on non-adversarial dispute resolution has gained increasing popularity because of the minimal cost, self-determination potential, and reduction in parental conflict.

Legal fees are increasingly high, court calendars crowded and parental conflict costly in terms of emotional damage. Often, parents who are able to fashion their own plans can devise schedules more responsive to their children's needs. Parents are encouraged to exercise their natural authority. They are considered the "experts" in making plans for their own children. High levels of parental satisfaction are noted when client input is used. Also, repeated litigation is diminished when parents are able to communicate more effectively. Mediation is a model for conflict resolution and more effective communication patterns. This is a skill that can generalize and serve the parties long

after mediation has ended.

Supervised visitation provides parents and children a neutral and safe setting to become acquainted or reacquainted with one another. Because the parents are taught how to engage in age appropriate activities, when unsupervised visitation becomes appropriate the parent has a better understanding of developmental levels and appropriate methods of interaction and communication.

Benefits to the court from mediation and supervised visitation are expected to be a decrease in judicial case time necessary to dispose of individual cases and an increase in client satisfaction regarding the court.

Benefits to the parties are expected to be decreased costs for legal representation, improved communication skills, improved parent-child access, and a healthier relationship for the child with both parents.

Benefits to the public are substantiated by statistical studies which have shown when both parents are involved in a child's life, the child is less likely to become involved in delinquent behaviors, less likely to produce children born out of wedlock, and more likely to finish high school and become a productive member of society.

4. APPROACH

This project will provide mediation and supervised visitation to those cases deemed needing such services by the courts, district attorneys' office and/or child support enforcement program offices. Quarterly follow-up contacts will be provided by each agency receiving grant monies. Trained mediators in both the Second and Eighth Judicial District Family Courts offer mediation.

A brief orientation is the initial contact for families entering into mediation or supervised visitation. Parents will review the goals and ground rules of mediation and/or supervised visitation.

A discussion of the different types of custody, both legal and physical, and access/visitation is a precursor to services. This assists parents with familiarization of legal terms used in the parenting agreement.

Mediation is confidential. This encourages open information sharing without fear of reprisal. The court is provided with notice the mediation effort was not successful. No details or other information is provided. Some cases are not considered appropriate for mediation. Active child abuse or domestic violence cases are excluded. Options for further court involvement are explained to parents. Successful mediation results in the formulation of a Parenting Plan. This plan formalizes the parents' agreement and prepares a court document that is forwarded to the Judge or Special Hearing Master for signature. Both parents review the plan before signing to ensure it accurately reflects their agreement. If attorneys represent parents, a copy is also provided to counsel. Once signed, the Parenting Plan becomes a court order. This obligates parents to follow-through with the agreement and provides sanctions in the event of noncompliance.

If agreement is not reached during mediation, parents are not forced to enter into a Parenting Plan. When mutual agreement does not appear possible, either the mediator, or the parties themselves, can declare an impasse and the case returns to court for a judge to set the custody and visitation order(s).

Mediation addresses the following:

1. The children's needs - importance of focusing on children
 - a. Basic needs of children (health, food, shelter, love, attention, etc.)
 - b. Developmental needs and understanding of appropriate parenting for children of different ages (dealing with inappropriate expectations)
 - c. School issues and concerns
 - d. Attention sharing from both parents
 - e. Building self esteem of children
2. Co-Parenting
 - a. Benefits and recognition of contributions both parents can make in the lives of children (also benefits to one parent of involvement by other parent)
 - b. Self esteem building for parents
 - c. Parenting as a learned behavior
 - d. Father issues (importance of quality and normal involvement with children with suggestions for ways to spend quality time with children)
 - e. Connecting and maintaining relationships (also, other kinds of contact, i.e., phone, letters)
 - f. Communications - how to communicate with the ex-partner and also strengthening of parent-child communications around issues of other parent.
3. Common and expectation co-parenting issues (potential conflict areas)
 - a. Third party issues
 - b. Extended family issues (Grandparents, etc.)
 - c. Anger management toward the other parent (dealing with past feelings regarding other parent and learning to establish businesslike relationship for the sake of the child) and stress management due to the pressures of single parenthood
 - d. Special concerns regarding domestic violence, child abuse or neglect
4. Development of parenting plans - Types of custody/parenting time sharing arrangements
5. Recommendations of services and resources in the community for further assistance

Supervised visitation addresses the following:

1. Safe access by parents to their children when a court determines unsupervised visitation may not be in the child's best interest
2. Focusing on the child's needs:
 - a. Building family strengths through use of age appropriate interactions
 - b. Strengthening communication and interaction with the child at age appropriate levels
 - c. Understanding developmental needs (dealing with inappropriate expectations)
3. Recommendations of services and resources in the community for further assistance

5. EVALUATION

Follow-ups will be conducted in three and six month intervals. Variables to be evaluated may include, but not limited to:

- a. Satisfaction measures:
 - 1) Mediation process - agreement
 - 2) Access/visitation outcomes
 - 3) Pursue court intervention or litigation
- b. Implementation of visitation/contact (flexibility and consistency)
 - 1) Percentage of visits exercised
 - 2) Measures of access from grandparents
 - 3) Parental involvement with child's activities and development issues
 - 4) Communicate on matters related to the child

Evaluative components are built-in by virtue of the current system of data collection. The amount of parenting plans produced and a system whereby participants could be polled by questionnaire relative to continued access/visitation and participation in the lives of the children could also be implemented.

6. GEOGRAPHIC LOCATION

EIGHTH JUDICIAL DISTRICT FAMILY COURT

All mediation will occur at the Clark County Family Court Services Complex located at 601 N Pecos Road, South Building, Las Vegas, Nevada, 89101, and telephone number (702) 455-4186.

SECOND JUDICIAL DISTRICT FAMILY COURT

Washoe County encompasses the Reno-Sparks metropolitan area. Mediation services occur at the Family Division of the Second Judicial District Court located at 75 Court Street, 2nd Floor, Reno, Nevada, 89501, and telephone number (775) 328-3814.

7. ADDITIONAL INFORMATION

STAFF AND POSITION DATA

EIGHTH JUDICIAL DISTRICT FAMILY COURT

The Family Mediation Center (FMC) has one full-time Family Mediation Specialist and one part-time Family Mediation Specialist. Most Family Mediation Specialists have advanced degrees in social work, psychology or related behavioral science related fields. All family specialists have received 68 hours of mediation training and 20 hours of evaluation training. FMC is open Monday through Friday from 7:00 A.M. to 6:00 P.M., with some weekend hours to accommodate the need for supervised visitation.

SECOND JUDICIAL DISTRICT FAMILY COURT

The Family Mediation Program has one part-time Family Mediation Specialist. The Family Specialist has a master degree in counseling or mental health or a law degree, including at a minimum, 40 hours of mediation training.

PLAN FOR PROJECT CONTINUANCE BEYOND GRANT SUPPORT

EIGHTH JUDICIAL DISTRICT FAMILY COURT

The FMC is mandated to provide services for all parties involved in disputed custodial and visitation issues. The current staff of 15, including management and support staff, already provides mediation supervised visitation services. The grant would provide for two additional Family Mediation Specialists to accommodate child support referrals. This population will continue to be eligible for services by court order in the event the grant is no longer available.

SECOND JUDICIAL DISTRICT FAMILY COURT

Mediation services are a continuous requirement by the court with the follow-up and outcome measurements being unique to the grant funding. The grant will provide for a part-time Family Mediation Specialist to accommodate child support referrals. This population will continue to be eligible for services by court order in the event the grant is no longer available.

ORGANIZATION PROFILES

EIGHTH JUDICIAL DISTRICT FAMILY COURT

The Center is under the administrative direction of a District Court Administrator and the Family Division Administrator. FMC provides vital support to the courts but is autonomous (via organization structure) to preserve the present neutral, independent and specialized services and process to the courts and families.

SECOND JUDICIAL DISTRICT FAMILY COURT

The Family Mediation Program is under the administrative direction of the Director of the Program. Staff members are employees of Washoe County District Court and conform to current job descriptions and payroll classifications.

FUNDING PROPOSAL

Historically, Nevada's caseload population represents a 70/30 split between Clark and Washoe County. In the future, the DWSS will be analyzing the mediation service needs of communities in our rural counties within the State of Nevada. The Access and Visitation grant funds will be divided among all eligible vendors.

RESOLUTION

WHEREAS, In 1990, Congress enacted and the President of the United States approved Public Law 101-618 (PL101), the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Settlement Act), which ratified the terms of the Preliminary Settlement Agreement, and which directed the Secretary of the Interior to negotiate an agreement for the operation of Truckee River reservoirs known as the Truckee River Operating Agreement (TROA). TROA is required by the Settlement Act to, among other things, carry out the terms and conditions of the Preliminary Settlement Agreement; and

WHEREAS, California, Nevada, the Pyramid Lake Paiute Tribe, the United States, and the Truckee Meadows Water Authority have agreed to and are desirous of implementing TROA; and

WHEREAS, The County of Washoe desires to be a signatory to the Truckee River Operating Agreement conferring the benefits upon the implementation to the residents of Washoe County; now, therefore be it

RESOLVED, That the County of Washoe shall become a signatory party to the Truckee River Operating Agreement attached hereto as Exhibit 1 and the Chairman of the Board of County Commissioners is hereby authorized to execute and deliver TROA on behalf of the County of Washoe.

Adopted this 9th day of September 2008.

Robert M Larkin

Robert M. Larkin, Chairman
Washoe County Commission

ATTEST:

Laney L. P. A. Chief Deputy
Amy Harvey,
Washoe County Clerk



08-970

12/13

Truckee River Operating Agreement

Final Proposed Negotiated Agreement

08-970 BCC

June 2008


**United States of America
State of California
State of Nevada
Truckee Meadows Water Authority
Pyramid Lake Paiute Tribe**

IN WITNESS WHEREOF, the Signatory Parties have executed this Agreement, the day and year first above written.

U.S. DEPARTMENT OF THE INTERIOR

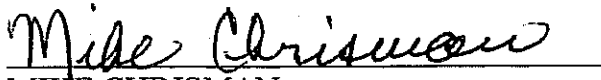
U.S. DEPARTMENT OF JUSTICE

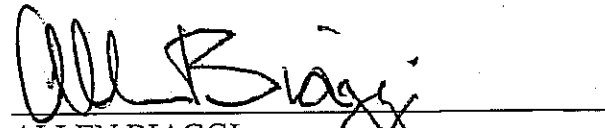

DIRK KEMPTHORNE
SECRETARY OF THE INTERIOR


RONALD J. TENPAS
ASSISTANT ATTORNEY GENERAL
ENVIRONMENT AND NATURAL
RESOURCES DIVISION

STATE OF CALIFORNIA

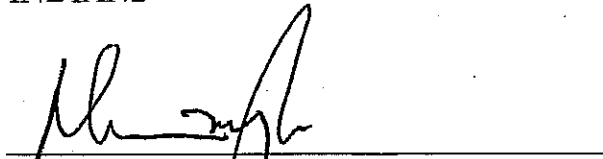
STATE OF NEVADA



MIKE CHRISMAN
SECRETARY FOR RESOURCES,
in consultation with and on behalf of the
California agencies identified in this Agreement,
and as designee of the Governor for all purposes
required by the Settlement Act


ALLEN BIAGGI
DIRECTOR, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES

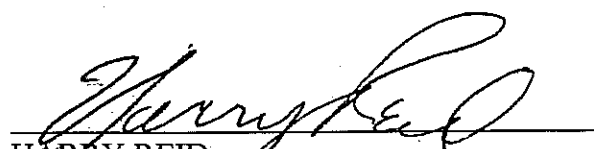
PYRAMID LAKE PAIUTE TRIBE OF
INDIANS

TRUCKEE MEADOWS WATER
AUTHORITY


MERVIN WRIGHT, JR.
TRIBAL CHAIRMAN


MIKE CARRIGAN
CHAIRMAN, BOARD OF DIRECTORS

WITNESS


HARRY REID
UNITED STATES SENATOR

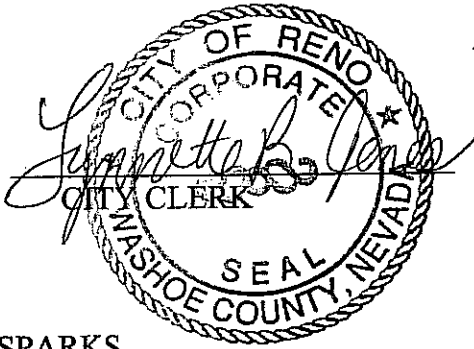
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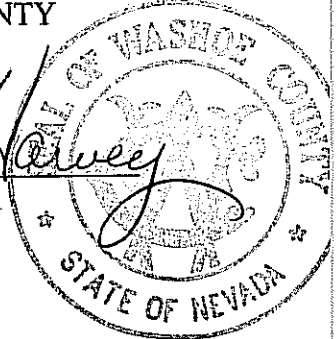
CITY OF RENO

COUNTY OF WASHOE

[Signature]
ROBERT A. CASHELL, SR.
MAYOR

[Signature]
ROBERT M. LARKIN
CHAIRMAN, BOARD OF COUNTY
COMMISSIONERS

ATTEST: [Signature]
CITY CLERK



ATTEST: [Signature]
COUNTY CLERK


CITY OF SPARKS

CITY OF FERNLEY

[Signature]
GENO R. MARTINI
MAYOR

[Signature]
TODD CUTLER
MAYOR

ATTEST: [Signature]
CITY CLERK


ATTEST: [Signature]
CITY CLERK

WASHOE COUNTY WATER
CONSERVATION DISTRICT

CARSON-TRUCKEE WATER
CONSERVANCY DISTRICT

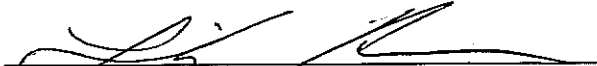
[Signature]
DON CASAZZA
BOARD PRESIDENT

[Signature]
DAVID ROUNDTREE
BOARD VICE PRESIDENT

066-80

SIERRA VALLEY MUTUAL WATER
COMPANY
dba Sierra Valley Water Company


TRUCKEE DONNER PUBLIC UTILITY
DISTRICT



ERIC ROEN
PRESIDENT


TIM F. TAYLOR
PRESIDENT OF THE BOARD

NORTH TAHOE PUBLIC UTILITY
DISTRICT

PLACER COUNTY WATER AGENCY


NEIL A. ESKIND
GENERAL COUNSEL


MIKE LEE
CHAIRMAN OF THE BOARD

**SPECIAL JOINDER OF SIERRA PACIFIC POWER COMPANY
IN
TRUCKEE RIVER OPERATING AGREEMENT**

Sierra Pacific Power Company, as the predecessor-in-interest to the Truckee Meadows Water Authority with respect to certain of the water rights, agreements, court decrees, litigation and facilities which are a part of the subject matter of the Truckee River Operating Agreement, hereby joins in the execution of the Truckee River Operating Agreement for the sole and limited purpose of confirming and agreeing that the Purchased Assets, as that term is defined in the Asset Purchase Agreement dated January 15, 2001, between it and the Truckee Meadows Water Authority (the "Asset Purchase Agreement"), include all assets necessary for the Truckee Meadows Water Authority to perform, fulfill and discharge all obligations of Sierra Pacific Power Company under the Preliminary Settlement Agreement as defined in the Asset Purchase Agreement, and that all such assets have been conveyed to the Truckee Meadows Water Authority, or, if not conveyed on or before the entry into effect of the Truckee River Operating Agreement, will nevertheless be operated and used so as to allow the Truckee Meadows Water Authority to perform, fulfill and discharge such obligations.

02-970

SIERRA PACIFIC POWER COMPANY


MICHAEL YACKIRA
CHIEF EXECUTIVE OFFICER