

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.
SPECIAL MEETING

MARCH 03, 2009

PRESENT:

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

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

The Board convened at 10:06 a.m. in special 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:

Katy Simon, County Manager, 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.

09-223 AGENDA ITEM 3

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

Sam Dehne complained about the decorum statement and about the public not attending local government’s meetings.

Agenda Subject: “Update on Budget Policy Committee--Finance. (All Commission Districts.)”

Darin Conforti, Budget Manager, discussed the “Preliminary Summary of Ideas on Budget Principles” document included with the staff report dated March 2, 2009. He indicated the document outlined where the Budget Policy Committee was going in terms of the budget principles and the budget balancing strategies that would then be aligned with those principals, and the criteria that would be used to assess what budget balancing strategies were feasible to pursue. He noted the final report from the Committee was due on March 17, 2009.

10:12 a.m. Commissioner Weber arrived at the meeting.

Mr. Conforti said a list of strategy categories and the criteria for evaluating those strategies was also attached to the staff report.

Commissioner Jung asked if the Committee was looking at the recent survey of County residents’ wants and needs. Mr. Conforti confirmed the Committee was provided with that survey, and he expected that it would be factored into any discussions. He advised the Committee would not be providing a recommendation for specific services, but would focus on high-level principals. Commissioner Jung asked if the Committee would consider the Board’s request that a regional approach be looked at when raising or cutting dollars. Mr. Conforti said the principles regarding quality of life and maximizing resources, not just in departments but across departments and jurisdictions, took into account a regional approach.

Commissioner Larkin asked if risk-based assessments were incorporated into the matrix. Mr. Conforti said that principle could be found on page 4 of the preliminary summary. Commissioner Larkin asked about the point made about cutting funding by Dick Gammick, District Attorney. Mr. Conforti replied Mr. Gammick’s main point was that the budget could be cut so much that a service could no longer be provided. Commissioner Larkin clarified that could be true within a particular program, service or within a spending category. Mr. Gammick acknowledged from the audience that was the correct notion. Mr. Conforti stated the principle of not funding what no longer worked or was no longer needed was also listed on page 4.

In response to Commissioner Weber asking about the use of volunteers, Mr. Conforti replied encouraging volunteerism as a resource to expand County services was on page 3 of the matrix. Commissioner Weber asked about including faith-based organizations and if there would be any legal requirements involved. Mr. Conforti stated discussions would encompass considering using faith-based organizations and any legal issues would be deferred to the District Attorney’s Office.

Commissioner Weber asked if the policy would consider the legalities of not meeting mandated budget requirements. Mr. Conforti explained the Committee was discussing the idea of a continuum of service responsibility, which started with the strictest mandates all the way down to discretionary activities. He said it would include looking at a risk-based benefit/cost analysis as modifications were made to any service along that continuum.

Commissioner Breternitz complimented the Committee regarding the work being done, which he felt would be essential groundwork for the decisions that would need to be made over the next few months.

Chairman Humke thanked everyone on the Committee and the Manager as the facilitator, because the discussions were all mission oriented. He noted the Committee meetings were listed as open meetings and the public was welcome to attend. Katy Simon, County Manager, advised tomorrow's Committee meeting was not noticed as having a possible quorum of the Commission, but the meeting on March 11th could be noticed as such.

Chairman Humke asked that any documentation provided electronically to the Committee also be provided to the Commission. Mr. Conforti said a Budget Policy Committee web page was set up on the Budget Division's web site and all information would be posted there.

In response to the call for public comment, Sam Dehne discussed his volunteering and his warnings being ignored regarding the County's massive spending.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 20 be acknowledged.

Katy Simon, County Manager, echoed the comments that everyone on the Committee was working hard and thanked the members of the Committee. She also thanked the Commission for endorsing the idea of the Committee.

09-225 AGENDA ITEM 4

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.)"

Commissioner Breternitz said he was beginning to hold his public meetings and the Incline Village meeting would be held on the fourth Monday of every month at the Incline Village General Improvement District (IVGID) office, starting on March 23, 2009 at 5:00 p.m. He advised the Northwest Library meeting would be the third Wednesday of every month beginning April 15th at 5:00 p.m.

Commissioner Breternitz stated at the Tahoe Regional Planning Agency (TRPA) Board meeting, Michael Donahoe, Tahoe Area Sierra Club Group, said he heard about some funds being available to purchase street sweepers and convinced TRPA to put in a request to United States Senator Harry Reed's Office for 12 of the HEPA-filtered street sweepers. Commissioner Breternitz said if those funds came through there would be discussions regarding how those street sweepers would be distributed in the County's area of the Tahoe Basin.

Commissioner Breternitz requested an agenda item to discuss the County having a Rainy Day Fund. Katy Simon, County Manager, advised the County implemented its Rainy Day Fund the first year it was permitted by statute. She stated John Sherman, Finance Director, served on the committee that helped establish the Nevada Administrative Code (NAC) guidelines on how the money could be used. She acknowledged part of the budget balancing strategy over the last few years was to take a portion of that fund, without exhausting it.

Commissioner Weber requested a discussion regarding the status of employees requesting early leave because some employees had not been contacted about their request. Katy Simon, County Manager, advised she was aware of one department in which people were not notified regarding their request. She said staff would provide a written report to the Board regarding this issue and noted all of the voluntary incentives were being extended to March 31, 2009.

Commission Larkin commented there were very few private sector facilities in the area that dealt with the rehabilitation of runaway teens. He advised one such facility, Teen Challenge, located off Pyramid Highway was having a grand reopening of its building on Friday at 7:30 p.m.

Commissioner Weber announced there would be a special meeting regarding the Northgate Golf Course on March 19th at Somerset. She noted Washoe County and the City of Reno were working to get the meeting together and the residents surrounding the Northgate Golf Course would receive notice regarding the meeting.

Ms. Simon stated the County's bond rating was upgraded to the highest rating in Northern Nevada history by Standard & Poor's, which was amazing in this economic climate; and she congratulated everyone involved on the team. Chairman Humke led a round of applause in recognition of this wonderful accomplishment, which was lead by the fiscal team.

CONSENT AGENDA

In response to the call for public comment, Sam Dehne noted the Consent Agenda consisted of relatively mundane items.

09-226 AGENDA ITEM 5A

Agenda Subject: “Approve Memorandum of Understanding between the County of Washoe (Regional Parks and Open Space) and Truckee Meadows Community Forestry Coalition, concerning establishment of the Truckee Meadows Community Forestry Coalition for the common objectives of the participants for the preservation, protection and promotion of a sustainable community forest for the Truckee Meadows region, recognizing the benefits of both publicly and privately owned trees; and if approved, authorize Chairman to execute Memorandum of Understanding. (All Commission Districts.)”

Commissioner Weber felt there should be some discussion regarding what the Memorandum of Understanding (MOU) establishing the Truckee Meadows Community Forestry Coalition was about. Lynda Nelson, Planning Manager, said the MOU addressed the issues of the declining urban forest in the Reno-Sparks area. She explained the reason for the decline was people were put on water meters, which stopped them from watering the large trees for which the area was known. She said the coalition was formed specifically to address ways to keep the trees alive during tough economic times when people cut back on watering.

Katy Simon, County Manager, acknowledged Ms. Nelson was one of the recipients along with Bill Whitney, Senior Planner, of the National Association of Counties Leadership and Conservation Award for their work on the Regional Open Space Update Project.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 5A be approved, authorized and executed.

09-227 AGENDA ITEM 5B(1)

Agenda Subject: “Reject all proposals received on Request for Proposal #2672-09 for Producer/Promoter Services for Hawkins Amphitheater Summer Concert Series, on behalf of the Washoe County Regional Parks and Open Space Department. (Facility in Commission District 2 but affects all Commission Districts.)”

In response to the call for public comment, Sam Dehne stated the Hawkins Amphitheater was the nicest amphitheatres around, and he favored rejecting the proposal. He asked how much it would cost to rent it for an evening if it was used by local promoters.

Commissioner Jung requested an analysis be done on the cost of renting the amphitheater for an evening.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 5B(1) be approved.

09-228 AGENDA ITEM 5B(2)

Agenda Subject: “Reject sole proposal received on Request for Proposal #2678-09 for Veterinary Services for the Regional Animal Shelter, on behalf of Washoe County Regional Animal Services, a division of Washoe County Public Works. (All Commission Districts.)”

Commissioner Larkin noted the staff report said there were two options, one of which was having a permanent part-time veterinary position. He asked what prompted that recommendation in this economic climate. Katy Simon, County Manager, advised only one response was received to the Request for Proposal (RFP), which did not meet the requirements. She stated soliciting more proposals might not change the lack of response, so all options were being considered. Commissioner Larkin asked what was wrong with transporting the animals to a veterinary clinic. Ms. Simon advised that option required using more fuel, paying more in labor costs and would not significantly reduce the amount paid to a veterinarian. She said a cost/benefit analysis would be done on every option and some recommendations would be brought back to the Board.

Commissioner Jung suggested looking at partnering with the Nevada Humane Society veterinarian to see if floating between the two facilities was possible. Ms. Simon said that would be looked at.

On motion by Commissioner Breternitz, seconded by Commissioner Larkin, which motion duly carried, it was ordered that Agenda Item 5B(2) be approved.

09-229 AGENDA ITEM 6

Agenda Subject: “Introduction and first reading of an Ordinance adopting supplement number 12 to the Washoe County Code and all clerical and technical corrections made therein--District Attorney. (All Commission Districts.)”

Bill No. 1575, entitled, “AN ORDINANCE ADOPTING SUPPLEMENT NUMBER 12 TO THE WASHOE COUNTY CODE AND ALL CLERICAL AND TECHNICAL CORRECTIONS MADE THEREIN,” was introduced by Commissioner Larkin, the title read to the Board and legal notice for final action of adoption directed.

09-230 AGENDA ITEM 7

Agenda Subject: “Recommendation to approve Resolution approving reconveyance of property acquired by eminent domain, approve Reconveyance Agreement and Deed of Reconveyance for approximately 6.59 acres of property, which is a portion of State Route 723 (near 21333 Mt. Rose Highway and APN 048-112-09), to Mt.

Rose Development Company; and other matters properly related thereto; and if approved, authorize Chairman to execute same--District Attorney. (Commission Districts 1 and 2.)”

In response to Commissioner Larkin asking where the 6.59 acres was in relation to the map included with the staff report and titled, “Section 19 8 Portions of Sections 20 8 29-T17N-R19E”, Bill Thomas, Mt. Rose Development Company, explained the bulb shown on the map was the Slide Mountain parking lot and was the subject of the reconveyance.

Mr. Thomas said the plan was to replace the Slide Lodge, which required clearing up the ownership and title of the property. He stated when the County reconveyed 61 acres in 2004, it was believed the bulb was owned by the Nevada Department of Transportation (NDOT), but NDOT ultimately concluded the fee title was owned by Washoe County, which was why the Mt. Rose Development Company was requesting reconveyance of the 6.59 acres. He said they would then go to NDOT to have the parking lot set up with the proper right-of-way, which would allow for the building of the new lodge.

Chairman Humke noted the payment amount was what it was originally conveyed for. Paul Lipparelli, Assistant District Attorney, confirmed it was the amount of money paid at time of condemnation and there was no provision in statute for the payment of interest or an adjustment for modern values. Commissioner Larkin asked if the County had been consistent over years in applying the statute. Mr. Lipparelli explained this statute was new within the last four years, but since then it was applied consistently.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7 be approved, authorized, and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-231 AGENDA ITEM 8

Agenda Subject: “Acknowledge status report on Northgate Golf Course and possible direction to staff--Manager. (Commission Districts 1 and 5.)”

Dave Childs, Assistant County Manager, discussed the history of the Northgate Golf Course (NGC), how the property would revert back to RJB Trust if not used as a golf course, how Washoe County held the deed for Reno-Sparks Convention and Visitors Authority (RSCVA), and the property’s lack of water rights. He discussed the two letters from the RJB Trust representative, John Frankovich of McDonald-Carano-Wilson LLP, which were placed on file with the Clerk. He said staff was requesting guidance from the Board regarding whether or not Washoe County wanted to operate the

NGC and what would be the County's role if the community was interested in turning the property into open space. He advised there would be a public meeting on March 19, 2009 at Somerset after the regular North West Neighborhood Advisory Board (NAB) meeting to attempt to answer all of the questions and solicit ideas regarding the property. He discussed several possible scenarios regarding what could happen to the property.

Chairman Humke asked if there was any evidence the City of Reno wanted to operate the property as a golf course. Mr. Childs advised the math remained the same with the NGC not being profitable and not having any water.

Commissioner Weber said she was excited about the community having an opportunity to hear all of the facts and to ask questions at the March 19th meeting. She asked if the \$4.5 million selling price by the RJB Trust included water. Mr. Childs said that was the going price without water rights.

Commissioner Breternitz felt the County was not in the position to operate the property as a golf course, but the County did have the responsibility to explore all opportunities. He understood regarding Question WC-1 funding, there was a process used to direct where the money would be spent that included the Cities of Reno and Sparks. He asked how much money was left in the fund and if any of it could be used. Katy Simon, County Manager, explained there was a specific list of projects that would be funded from the bond issue. She said there were also back up projects adopted by the Board in the event the projects on the list did not spend all of the designated money. She said staff was working on a summary of any remaining funds and they would get that summary to the Board as soon as it was completed. She did not believe there was anything in statute that said the list could not be amended, but doing so could have an impact on voter trust. Mr. Childs advised he did not believe there was \$4.5 million that could be reallocated. Commissioner Breternitz felt that type of information would be important to have at the upcoming meeting.

Commissioner Larkin asked if there were covenants in any of the documents that guaranteed the homeowners the existence of a golf course or open space when they purchased their properties. Mr. Childs explained the title reports provided contained the information that there was a golf course but there was a revisionary clause covering its ceasing operation. He said some of the residents acknowledged they saw that clause in their documents. Commissioner Larkin stated any of the Commissioners attending the meeting needed to be aware of whether that page was left out of any individual's title report because that individual might have some due recourse they could take. Melanie Foster, Legal Counsel, explained the CC&R's for those developments contained express disclaimers that applied to all parcels that indicated there was no guarantee the golf course or any open space would remain.

Commissioner Larkin asked what the expectation was of the Commissioners attending the upcoming community meeting. Commissioner Breternitz felt the meeting's purpose was to explain the information in an objective way, to make very clear what the County's limitations were based on the current financial situation, and

to listen to ideas. Commissioner Weber felt the objective was for all of the residents to be able to express their opinions and to bring the NGC back to the Board for final action as soon as possible. She believed most of the area's residents were aware of what was happening. She also felt it was important to acknowledge that Mr. Childs and Doug Doolittle, Regional Parks and Open Space Director, had done an outstanding job in going to the community and working with everyone to get the facts out and to try and find a solution.

Commissioner Larkin advised the County was in receipt of what appeared to be an offer that included a time limitation of 60 days that commenced on February 20, 2009. He suggested it would have to be brought back to the Board by the end of March or the first of April if there was any desire to consider the offer.

Chairman Humke said the staff report requested direction on how to proceed, and he asked if Mr. Childs got the sense of the Commissioner's direction based on the discussion. Mr. Childs felt he had received sufficient guidance and would come back to the Board with the results of the meeting and with the recommended next steps.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 8 be acknowledged.

09-232 AGENDA ITEM 9

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--Government Affairs. (All Commission Districts.)"

Katy Simon, County Manager, explained there were no bills requiring action by the Board today. She noted AB 54 was being heard today, which was the bill the County initiated to assist citizens with the conversion from septic systems to the sewer system or to hookup to the municipal water systems when compelled to do so by other regulatory agencies or to assist in voluntary hookup when there was a public safety or health and welfare risk. She said even though the intent of the bill was entirely positive, it became necessary early on to clarify its intent. She said there had been a lot of advertising in different formats to clarify there was nothing proposed in this bill that would give the County the authority to compel abandonment of septic systems and hookup to municipal water or sewer. She said the bill only provided a way for the County to assist in funding those private improvements. She stated the bill was also amended to allow the Truckee Meadows Flood Control Project to use this authority to perform flood proofing of homes. She said these items would be excellent stimulus projects because they were the kinds of projects that would put local people to work and it was hoped the Legislature would understand the intent.

Ms. Simon indicated the stimulus discussions were being monitored very closely and Dave Childs, Assistant County Manager, was leading that discussion for the County. She said in addition the discussion on government employee benefits was being monitored as was AB 119 regarding water resources that related to the WC-3 advisory vote, which did not have the final language developed yet. She said that language would be shared with the Board as soon as it was approved for release.

Commissioner Weber said she was at the Legislature this morning and she discussed the issue of AB 54's language. She advised the committee members were not as receptive as the County would like regarding AB 54. She said Rosemary Menard, Water Resources Director, explained to the committee members why the County needed their help to provide financial assistance to the residents whose wells had gone dry and were not allowed to drill deeper because of the State Engineer. Commissioner Weber stated she hoped they understood the intent and need for the bill.

Commissioner Weber discussed the vote on the language in AB 119. She advised AB 119 would be discussed at the Regional Planning Governing Board (RPGB) meeting next Thursday.

Chairman Humke asked if AB 54 was a prefiled bill. Katy Simon, County Manager, replied it was prefiled, but the language was drafted by the Legislative Council Bureau (LCB). Chairman Humke discussed why he was not a fan of prefiled bills, and he hoped AB 54 could be saved.

Commissioner Weber said she attended the Heppner Subdivision meetings and those citizens really needed help, and she discussed her conversations with the committee members about the language contained in AB 54. She asked if there was any way the Board could send an e-mail today to the committee members asking them to work with the County regarding the language. Chairman Humke suggested the normal course of business engaged in by the Manager and her staff would handle this process with three excellent staff members being present in Carson City. He felt the bill would be okay and an e-mail from the Manager or the Commission would not make much difference. He said the troops on the ground in Carson City were making a case for the bill.

Commissioner Weber believed the Board reiterating it was willing to work with the committee would be very helpful. She understood there was good staff in Carson City who did an excellent job in responding to the committee, but that was not the same as having the full Commission restating its commitment to working with the Government Affairs Committee.

Commissioner Weber made a motion, which was seconded by Commissioner Breternitz, to send an e-mail to the Government Affairs Committee that the Board of County Commissioners was willing to work with the Committee regarding the language in AB 54.

Chairman Humke asked if that was a legal motion. Melanie Foster, Legal Counsel, said as long as the motion was in the form of direction to staff it was fine.

On a call for a vote, the motion passed unanimously 5-0.

There was no response to the call for public comment.

Katy Simon, County Manager, said a letter would be drafted for Chairman Humke's signature to be e-mailed to Carson City.

11:50 a.m. The Board took a brief break following a discussion on time certain agenda items.

11:55 a.m. The Board reconvened with all members present.

09-233 **AGENDA ITEM 15**

Agenda Subject: “Approve modifications to the Collective Bargaining Agreements with the Washoe County Nurses Association for the Non-Supervisory and Supervisory bargaining units for the period July 1, 2008 through June 30, 2009; ratify same; approve the Collective Bargaining Agreements with the Washoe County Nurses Association for the Non-Supervisory and Supervisory bargaining units for the period July 1, 2009 through June 30, 2010; ratify same; share the employee cost of health insurance by paying \$25 per pay period effective March 2, 2009 continuing until June 30, 2010. The savings from the reduction is estimated at \$51,500. Approve development of a document which could potentially trigger wage increases retroactive to July 1, 2009 for approval by the Board. Wage increases shall be evaluated following the closing and final audit of the County's adopted FY 2009-2010 books dependent on the ending fund balance, and if approved, authorize Chairman to execute Collective Bargaining Agreement upon completion--Human Resources. (All Commission Districts.)”

Steve Watson, Labor Relations Manager, said the Nurses Association determined there would be no additional time off and instead would make a contribution of \$25 per pay period to the Health Plan. He explained the advantage was it gave the County the money it was looking for, the employee's contribution was pretax, would not affect the Public Employees Retirement System (PERS) because there would be no reduction in the employee's compensation, and the labor agreement would be extended through June 2010. Chairman Humke asked how many positions were affected. Mr. Watson replied approximately 40 positions. He explained it was a different way to make the contribution, but the dollar value was approximately the same.

There was no response to the call for public comment.

On motion by Commissioner Jung, seconded by Chairman Humke, which motion duly carried, it was ordered that Agenda Item 15 be approved, ratified, authorized, and executed.

11:59 a.m. The Board recessed.

1:23 p.m. The Board convened as the Board of Fire Commissioners for the Sierra Fire Protection District (SFPD).

1:27 p.m. The Board adjourned as the SFPD Fire Commissioners and convened as the Board of Fire Commissioners of the Truckee Meadows Fire Protection District (TMFPD).

1:31 p.m. The Board adjourned as the TMFPD Fire Commissioners and reconvened as the Board of County Commissioners.

1:33 p.m. The Board recessed.

6:01 p.m. The Board reconvened with Commissioners Weber and Jung absent.

PUBLIC HEARINGS

09-234 AGENDA ITEM 12

Agenda Subject: “Comprehensive Plan Amendment Case Number CP08-010--Community Development. To delete the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan which respond to stipulations approved as part of the conformance finding for the” Washoe County Comprehensive Plan by the Regional Planning Commission; to retain the adopted land use maps; and other matters properly relating thereto; and to authorize the Chair to sign the appropriate Resolution after a finding of conformance by the Regional Planning Commission has been made. (Commission District 2.)”

Chairman Humke opened the public hearing.

6:03 p.m. Commissioner Weber arrived at the meeting.

Mike Harper, Planning Manager, said the Comprehensive Plan Amendments for Agenda Items 12, 13, and 14 were all related to the approval of the Washoe County Comprehensive Plan and a finding of conformance with the 2007 Regional Plan Update. He said the Regional Planning Commission suggested some changes that would better assist in implementing the policies of the Regional Plan. He advised these three amendments were a portion of those implementation amendments. He stated the other amendments would be done through the adoption of an updated

Conservation Element and the approval of some of the area plans that were still outstanding.

Mr. Harper said Comprehensive Plan Amendment Case Number CP08-010 deleted three specific plans within the Comprehensive Plan, which were currently within the City of Reno's Sphere of Influence (SOI). He noted the City of Reno had the permitting and planning responsibilities for those plans and it made no sense to retain them in the County's Comprehensive Plan because the County no longer had any enforcement authority under the Regional Plan process established by the State. He advised the County asked that the Master Plan Map be retained until the area was completely annexed because the map was also used as the County's zoning map.

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

Based on the following findings, on motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 12 be approved. It was further ordered that the Resolution be adopted, authorized and executed after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission:

Findings:

1. The proposed deletion of the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan of the Open Space and Natural Resource Management Plan from the Washoe County Comprehensive Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed deletion of the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan of the Open Space and Natural Resource Management Plan from the Washoe County Comprehensive Plan responds to changed conditions, specifically the stipulations of the Truckee Meadows Regional Planning Commission required as part of a finding of conformance of the Washoe County Comprehensive Plan with the adopted Regional Plan.
3. The proposed deletion of the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan of the Open Space and Natural Resource Management Plan from the Washoe County Comprehensive Plan will promote the desired pattern for orderly physical growth of the County and guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

4. The retention of the adopted land use maps are necessary to meet the requirements of the adopted protocols between the county and the two cities which provides for the issuance of business licenses for property within a sphere of influence that has not been annexed by a city.
5. The Washoe County Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.
6. The Washoe County Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

09-235 AGENDA ITEM 13

Agenda Subject: “Comprehensive Plan Amendment Case Number CP08-011--Community Development. To adopt the 2008 Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan, that responds to stipulations approved as part of the conformance finding for the Washoe County Comprehensive Plan by the Regional Planning Commission; and other matters properly relating thereto; and to authorize the Chair to sign the appropriate Resolution after a finding of conformance by the Regional Planning Commission has been made. (All Commission Districts.)”

Chairman Humke opened the public hearing.

See the comments by Mike Harper, Planning Manager, for Agenda Item 12 above.

Mr. Harper said Comprehensive Plan Amendment Case Number CP08-011 would adopt the 2008 Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan. He explained certain stipulations were identified by the Regional Planning Commission that would best be handled by making them an element of the Comprehensive Plan.

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

Based on the following findings, on motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 13 be approved. It was further ordered that the Resolution be adopted, authorized and executed after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission:

Findings:

1. The proposed addition of the Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed addition of the Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan responds to changed conditions, specifically the stipulations of the Truckee Meadows Regional Planning Commission required as part of a finding of conformance of the Washoe County Comprehensive Plan with the adopted Regional Plan.
3. The proposed addition of the Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan will promote the desired pattern for orderly physical growth of the County and guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
4. The Washoe County Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.
5. The Washoe County Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

09-236 AGENDA ITEM 14

Agenda Subject: “Comprehensive Plan Amendment Case Number CP08-012-Community Development. To adopt amendments to the Land Use and Transportation Element to address Military Installation Noticing; Density Transfers from Rural Development Areas; Density Limitations on Single Family Detached Residential Development; and Cooperative Planning that respond to stipulations approved as part of the conformance finding for the Washoe County Comprehensive Plan by the Regional Planning Commission; and other matters properly relating thereto; and to authorize the Chair to sign the appropriate Resolution after a finding of conformance by the Regional Planning Commission has been made. (All Commission Districts.)”

Chairman Humke opened the public hearing.

See the comments by Mike Harper, Planning Manager, for Agenda Item 12 above.

Mr. Harper said Comprehensive Plan Amendment Case Number CP08-012 addressed some very specific issues in the Land Use Transportation Element, which were detailed in the staff report dated February 6, 2009.

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

Commissioner Breternitz asked why the County did not want to allow the transfer of development rights. Mr. Harper explained the Regional Plan prohibited that transfer and this ensured the County's Comprehensive Plan included that prohibition. He stated the Planning Commission would be provided with an annual report and the report could note this question was raised as part of this process and it be considered during discussion of the annual report. Commissioner Breternitz felt it was worthy of discussion. Commissioner Larkin said there was a stipulated agreement with the two Cities that the County would not transfer development rights from Rural Development Areas (RDA's) because the County had more of those rights, which the Cities felt would give the County an unfair advantage in terms of development potential. Commissioner Breternitz commented it seemed allowing that transfer could benefit the Cities, which was why he was raising the question. Mr. Harper said Commissioner Larkin was correct about that being part of the agreement. He felt there would need to be a great deal of discussion regarding how the transfers would occur. He reiterated his comments about noting this question as part of the annual report to the Planning Commission.

Commissioner Breternitz felt this could be a logical tool to help preserve the County's open space, but it could be more trouble than it was worth based on the history and the legal aspects. Commissioner Larkin agreed it was a good idea, but the County entered into the stipulations and the County would have to go back and change the Regional Plan. He noted he was not opposed to doing that, but he wanted Commissioner Breternitz to know what the nexus of this was.

Based on the following findings, on motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 14 be approved. It was further ordered that the Resolution be adopted, authorized and executed after a determination of conformance with the 2007 Regional Plan by the Truckee Meadows Regional Planning Commission:

Findings:

1. The proposed amendments to the Land Use and Transportation Element are in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendments to the Land Use and Transportation Element respond to changed conditions that have occurred since the Board of County Commissioners adopted the element, specifically the stipulations of the Truckee Meadows Regional

Planning Commission required as part of a finding of conformance of the Land Use and Transportation Element with the adopted Regional Plan.

3. The proposed amendments to the Land Use and Transportation Element will promote the desired pattern for orderly physical growth of the County and guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
4. The proposed amendment to the Land Use and Transportation Element is the first amendment to the Land Use and Transportation Element in 2009, and therefore does not exceed the four permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
5. The Washoe County Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.
6. The Washoe County Board of County Commissioners gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

09-237 AGENDA ITEM 16

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

Commissioner Larkin said he would be attending the Regional Planning Governing Board (RPGB) Legislative Subcommittee meeting at the request of Commissioner Weber. He noted he would also be attending the Boys and Girls Club Cioppino Feed on Saturday. He said the Kiley Ranch wetlands were being dedicated next Wednesday at 9:00 a.m. and the RPGB meeting would be next Thursday.

Katy Simon, County Manager said there would be a meeting of the Flood Project Coordinating Committee (FPCC) on March 13, 2009, which should conclude at noon so there could be a special Board meeting prior to the Western Regional Water Commission meeting at 1:30 p.m.

Commissioner Weber said she would not be able to attend the RPGB Legislative Subcommittee meeting because she would be leaving Thursday morning. She advised the RPGB would be meeting on March 12, 2009, and she requested the Chair attend that meeting in her stead. She stated she was looking forward to going to Washington, D.C. to represent Nevada as the President of the Nevada Association of

Counties (NACO) at the National Association of Counties (NACo) Legislative conference and she would be one of two Nevada representatives at the NACO Board meeting. She advised she planned to discuss a variety of issues with federal legislators while she was in Washington, D.C.

Commissioner Breternitz said he would be attending the Incline Village/Crystal Bay Citizen Advisory Board (CAB) meeting tomorrow evening. He stated he was asked to serve as a moderator of the Nevada Arts Council Annual Conference breakout session "Creative Solutions to Crisis." He announced the Tahoe Regional Planning Agency (TRPA) appointed Joanne Marchetta as Interim Executive Director. He said Ms. Marchetta had been serving as legal counsel to the Governing Board.

Chairman Humke said the special budget committee would be meeting tomorrow. He advised on March 12, 2009 he and the two Mayors would be presenting to the Spark's Chamber information regarding the current stimulus package and how local governments could avail themselves of that money for the master list of stimulus projects. He stated yesterday he attended a Juvenile Detention Alternatives Initiative Stakeholders meeting. He noted he attended the Nevada Juvenile Justice Commission and the Reno-Sparks Convention and Visitors Authority (RSCVA) meetings last week.

09-238 AGENDA ITEM 17

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

There was no closed session.

* * * * * * * * * * *

6:23 p.m. There being no further business to come before the Board, on motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Jung absent, it was ordered that the meeting be adjourned.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Jan Frazzetta, Deputy County Clerk*

RESOLUTION

A RESOLUTION APPROVING RECONVEYANCE OF PROPERTY ACQUIRED BY EMINENT DOMAIN AND APPROVAL OF RECONVEYANCE AGREEMENT AND RECONVEYANCE DEED FOR APPROXIMATELY 6.59 ACRES OF PROPERTY WHICH IS A PORTION OF STATE ROUTE 723 TO MT. ROSE DEVELOPMENT COMPANY AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, in 1950 Washoe County acquired through eminent domain approximately 120 acres on Slide Mountain from L.V. Redfield and H. Bushard for \$1,580 (Case No. 128289) for a park, recreational area and road and which land encompasses part of what is now the Mt. Rose Ski Resort,

WHEREAS, Mt. Rose Development Company is the successor of Redfield and Bushard in the subject property,

WHEREAS, between 1950 and 2004 the ski resort was operated through a series of leases with several entities and in 2004 the Board of County Commissioners ("BCC") approved a request by Mr. Rose Development Company to reconvey title to a portion of the property condemned in 1950 to the company so the ski resort could be further developed and improved,

WHEREAS, when the county obtained the 120-acre parcel it also got an access road leading from the existing Mt. Rose Highway to the boundary of the 120-acre parcel,

WHEREAS, the year following the condemnation the county conveyed to the State Highway Department (now NDOT) a right of way for a public highway using the legal description from the condemnation order and also gave to the State Highway Department a right of way over a bulb-shaped area which is located in what was part of the 120 acres that was condemned,

WHEREAS, the road that was later built and maintained by the State Highway Department on that right of way was designated as State Route 723 and leads from the Mt. Rose Highway around the east face of Slide Mountain,

WHEREAS, Mt. Rose Development Company requests the county reconvey the bulb-shaped property to allow the construction and improvement of a lodge,

WHEREAS, NRS 244.290 provides that a county is authorized to convey an interest in real property to the person from whom it was obtained through eminent domain for an amount equal to the amount paid for the land by the county upon a finding that the reconveyance would be in the best interest of the county,

WHEREAS, the NDOT has used the bulb-shaped road terminus for roadway purposes, but the county has made no other use of the bulb-shaped property,

WHEREAS, the county obtained the 120 acres in 1952 for \$1,580 or roughly \$13.16 per acre,

WHEREAS, Mt. Rose Development Company seeks reconveyance of 6.59 acres valued at \$86.73 based on that simple average per acre value, and

WHEREAS, a reconveyance agreement and deed of reconveyance to accomplish the reconveyance have been presented to the Washoe County Board of County Commissioners with this resolution,

NOW THEREFORE be it hereby resolved by the Washoe County Board of County Commissioners as follows:

1. The 6.59 acres sought by Mt. Rose Development is not being used by the county for county purposes and it would be in the best interests of the county for the property to be put to productive use by reconveying it to Mt. Rose Development Company.
2. Under authority of NRS 244.290 Washoe County offers to reconvey to the Mt. Rose Development Company the 6.59 acres described in the reconveyance agreement and deed of reconveyance presented on this day upon the terms stated in the agreement and deed.

3. Upon acceptance of the offer to reconvey by Mt. Rose Development Company the Chairman is authorized to sign the reconveyance agreement and deed of reconveyance presented.

ADOPTED this 3rd day of March, 2009 by the following vote:

AYES: Humke, Weber, Larkin, Jung, Breternitz

NAYS: Ø

ABSENT: Ø

ABSTAIN: Ø

David E. Humke
David E. Humke, Chairman

ATTEST:
Amy Harvey
Amy Harvey, County Clerk