

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

10:00 A.M.

MAY 12, 2009

PRESENT:

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

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

The Washoe County Board of Commissioners convened at 10:12 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

09-453 AGENDA ITEM 3

Agenda Subject: “Resolution of Recognition--Red Cross of Northern Nevada (requested by Commissioner Jung). (All Commission Districts)”

Commissioner Jung read and presented the Resolution to Caroline PUNCHES, Executive Director of the Red Cross of Northern Nevada. Ms. PUNCHES talked briefly about some of the local assistance provided recently by the Red Cross. She accepted the Resolution on behalf of the Board of Directors and the volunteers who tirelessly committed their time. She posed for a photograph with the Board.

On motion by Commissioner Jung, seconded by Commissioner Breternitz, which motion duly carried with Commissioners Weber and Larkin absent, Agenda Item 3 was approved and adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-454 AGENDA ITEM 4

Agenda Subject: “Proclamation--May 2009 as Older Americans Month--Senior Services. (All Commission Districts)”

***10:20 a.m.** Commissioner Weber arrived at the meeting.

Commissioner Breternitz read and presented the proclamation to Grady Tarbutton, Director of Senior Services; Michelle Lacerda, Chair of the Senior Services Advisory Board; and Amber Martin, Senior Services Liaison for the City of Reno. Ms. Lacerda accepted the Proclamation on behalf of the Advisory Board and the community's senior citizens. Mr. Tarbutton noted the Parks and Recreation Departments of Sparks, Reno and Incline Village were working together to hold a Countywide celebration with over 50 events for seniors. The group posed for a photograph with the Board.

Sam Dehne responded to the call for public comment.

***10:26 a.m.** Commissioner Larkin arrived at the meeting.

Chairman Humke asked whether information about the events was posted on the County's website. Mr. Tarbutton said there was a booklet available on the Washoe County Senior Services website, which had also been distributed to locations in the area.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Agenda Item 4 was approved and adopted. The Proclamation for same is attached hereto and made a part of the minutes thereof.

09-455 AGENDA ITEM 5 – 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."

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

In response to the call for public comment, Ardena Perry talked about Animal Services. She requested the Board look into billing software and billing practices at the Regional Animal Center.

Tiare Pincolini, William Kandaras, Jeff McCutcheon, Barbara McLaury, Dennis Jamison and Dave Hughes spoke about Northgate Golf Course. Ms. Pincolini hoped the property would be kept as a park. Mr. McCutcheon and Mr. Jamison hoped the

property would be maintained as some form of open space. Ms. McLaury and Mr. Hughes said they preferred to see it continue to operate as a golf course. Mr. Kandarar referenced a letter he submitted, which was placed on file with the Clerk under Agenda Item 23 (minute item 09-485). Based on discussions with a local golf professional, he stated a golf course could break even from the standpoint of its operational expenses. He said it was too soon to write Northgate Golf Course off, and hoped the Commission would consider the information in his letter.

Sam Dehne asked the Board to save the County's two swimming pools.

09-456 AGENDA ITEM 6 – 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.)”

Commissioner Weber requested an agenda item to discuss the Mortensen-Garson Development Handbook and impacts the City of Reno was having on the Verdi/Mogul area without any discussion or consent from the Verdi Citizen Advisory Board. She also requested an agenda item to consider granting an extension until the end of October 2009 for the Sierra Sage Golf Course to finish its season. She announced an upcoming meeting of the Heppner Subdivision Task Force, and stated a newsletter was being put together for the residents. She commended the Department of Water Resources for seeking legislative changes that would allow broader funding strategies for residents to convert from wells and septic systems to municipal services. She passed around two photographs of a bridge that was being built for reconstruction of the V&T Railway. She acknowledged the points brought up during public comment by Ms. Perry, and said she hoped to address them when Animal Services did their budget report.

Commissioner Larkin talked about his recent visit to Washington D.C., along with Sparks City Councilman Ron Smith, Flood Project Director Naomi Duerr and Lobbyist Mia O’Connell. He indicated several meetings took place and significant progress was made toward getting federal funding authorized for the Truckee River Flood Project in 2010. He thanked Chairperson Kirkpatrick for her work on Senate Bill 175, which was enabling legislation that would help fund the Flood Project. He requested an alternate for the next meeting of the Regional Planning Governing Board. He asked the County Manager to look into a constituent’s suggestion to declare a moratorium on business license fees and building fees in order to stimulate applications for new businesses.

Commissioner Breternitz announced he would hold an informal public meeting at the Northwest Library.

Commissioner Jung requested a staff presentation about the possibility of creating an oversight committee or advisory board for Animal Services.

Chairman Humke announced an upcoming meeting of the Regional Transportation Commission (RTC) that would include an update on advisory ballot question RTC-5. He noted Senate Bill 201, the legislative action associated with RTC-5, had been passed to the Assembly Committee. He characterized the bill as “Washoe County style stimulus.”

09-457 AGENDA ITEM 7A – MINUTES

Agenda Subject: “Approve minutes for the Board of County Commissioners’ regular meetings of January 20 and April 14, 2009, and special meeting of April 25, 2009.”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7A be approved.

09-458 AGENDA ITEM 7B – COMPTROLLER

Agenda Subject: “Simplify and consolidate Capital Projects Funds by approving a Resolution to rename the Public Works Construction Fund to Capital Improvements Fund and to close/merge the Special Assessment District Projects Fund into the Capital Improvements Fund; and if approved, authorize Chairman to execute Resolution. (All Commission Districts)”

There was no public comment on this item.

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

09-459 AGENDA ITEM 7C – MEDICAL EXAMINER/CORONER’S OFFICE

Agenda Subject: “Approve \$30,000 addition to existing Purchase Order #5500009226 from funds redirected from Dr. Raven’s Independent Contractor Agreement for Autopsy Services/Forensic Pathology for the remainder of Fiscal Year 2008/09 (April 28, 2009 - June 30, 2009). (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7C be approved.

09-460 AGENDA ITEM 7D – PURCHASING DEPARTMENT

Agenda Subject: “Award Bid No. 2681-09 for Aerial Pesticide Abatement Services, on behalf of the Environmental Health Division of the Washoe County Health District, to Alpine Helicopter Service [estimated annual amount \$60,000]. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7D be awarded.

09-461 AGENDA ITEM 7E – SENIOR SERVICES

Agenda Subject: “Approve Resolution authorizing the Department of Senior Services to apply for funding from the Regional Transportation Commission to support non-urbanized paratransit programs in Incline Village and Gerlach; and if approved, authorize Chairman to execute Resolution. (All Commission Districts)”

There was no public comment on this item.

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

09-462 AGENDA ITEM 7F – SOCIAL SERVICES

Agenda Subject: “Accept cash donations [\$2,023.47] and juror fee donations [\$2,120]; and if accepted, authorize Department of Social Services to expend these funds to benefit children in care and families who are clients and direct Finance to make appropriate budget adjustments for Fiscal Year 2008/09. (All Commission Districts)”

On behalf of the Board, County Manager Katy Simon thanked various individuals for their generous donations to benefit children in care and families who were clients of Social Services.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7F be accepted, authorized and directed.

09-463 AGENDA ITEM 7G – SHERIFF’S OFFICE

Agenda Subject: “Accept Interlocal Agreement – RAVEN Fire Training, Monitoring and Suppression Personnel and Equipment and the associated funds from the participating local fire agencies in the amount of \$20,000 from North Lake Tahoe Fire Protection District, \$45,000 from Sierra Fire Protection District and \$65,000 from Truckee Meadows Fire Protection District, to be paid in accordance with the Interlocal Agreement to the Washoe County Sheriff’s Office Regional Aviation Enforcement Unit (RAVEN); and if all accepted, authorize Chairman to execute Interlocal Agreement and direct Finance to make necessary budget adjustments. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7G be accepted, authorized, executed and directed. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

09-464 AGENDA ITEM 7H1 – COMMUNITY DEVELOPMENT

Agenda Subject: “Appoint Donald Morehouse as Washoe County’s representative on the Tahoe Transportation District Board of Directors and the Tahoe Transportation Commission to be effective May 12, 2009 (requested by Commissioner Breternitz). (Commission District 1)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7H1 be approved.

09-465 AGENDA ITEM 7H2 – COMMUNITY DEVELOPMENT

Agenda Subject: “Appoint Richard Harris as Washoe County’s first alternate to the Tahoe Regional Planning Agency’s Governing Board and Eva Krause, AICP, as Washoe County’s second alternate to the Tahoe Regional Planning Agency’s Governing Board (requested by Commissioner Breternitz). (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7H2 be approved.

09-466 AGENDA ITEM 7I1 – DISTRICT COURT

Agenda Subject: “Accept donation from Washoe County CASA Foundation [\$20,000] for security services at the Family Peace Center through December 31, 2009; and if accepted, authorize Family Peace Center to enter into a contract to expend these funds on security services to ensure the safety and well being of children and families who use the Family Peace Center and direct Finance to make necessary account changes. (All Commission Districts)”

On behalf of the Board, County Manager Katy Simon thanked the Washoe County CASA Foundation for their generous donation toward security services at the Family Peace Center.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7I1 be accepted, authorized and directed.

09-467 AGENDA ITEM 7I2 – DISTRICT COURT

Agenda Subject: “Accept grant award [\$4,400, no County match required] from the Alliance with the Washoe County Medical Society to support the Second Judicial District Court, Department One, Kid’s Court/Ask an Inmate Program; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts)”

On behalf of the Board, County Manager Katy Simon thanked the Alliance with the Washoe County Medical Society for its generous grant award to support the Kid’s Court/Ask an Inmate Program.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7I2 be accepted and directed.

09-468 AGENDA ITEM 7J1 – PUBLIC WORKS

Agenda Subject: “Authorize Public Works Department to enter into an Interlocal Cooperative Agreement between the County of Washoe and the Regional Transportation Commission (RTC) of Washoe County for inclusion of Washoe County’s 2009 Slurry Seal Program into RTC’s 2009 Preventive Maintenance, Slurry Seal Program; and if approved, authorize Chairman to execute Interlocal Cooperative Agreement. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7J1 be approved, authorized and executed. The Interlocal Cooperative Agreement for same is attached hereto and made a part of the minutes thereof.

09-469 AGENDA ITEM 7J2 – PUBLIC WORKS

Agenda Subject: “Authorize Public Works Department to bid Lemmon Drive Pedestrian Path Project. (Commission District 5)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7J2 be authorized.

09-470 AGENDA ITEM 7J3 – PUBLIC WORKS

Agenda Subject: “Authorize Public Works Department to bid 5th Avenue, Sun Valley Pedestrian Path Project. (Commission District 5)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7J3 be authorized.

09-471 AGENDA ITEM 7K – DISTRICT ATTORNEY’S OFFICE

Agenda Subject: “Approve payments [\$7,164.90] to vendors for assistance of 57 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7K be approved.

09-472 AGENDA ITEM 7L – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Agenda Subject: “Approve retroactive travel reimbursement [not to exceed \$2,500] for Flood Project Coordinating Committee Vice-Chair Ron Smith’s trip to

Washington, D. C. April 27-29, 2009 for the purpose of encouraging Congressional support for the Truckee River Flood Management Project; and if approved, authorize expenditure from 1/8 cent sales tax dedicated to the Truckee River Flood Management Project. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7L be approved and authorized.

11:03 a.m. The Board convened as the Board of Fire Commissioners for the Sierra Fire Protection District with all members present.

11:17 a.m. The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District with all members present.

11:27 a.m. The Board convened as the Board of Trustees for the South Truckee Meadows General Improvement District with all members present.

11:31 a.m. The Board reconvened as the Board of Washoe County Commissioners with all members present.

DISCUSSION – BLOCK VOTE – AGENDA ITEMS 11, 12, 14, 15, 16, 19, 20, 21 AND 22 (SEE MINUTE ITEMS 09-472 THRU 09-481)

The Board consolidated Agenda Items 11, 12, 14, 15, 16, 19, 20, 21 and 22 into a single block vote.

09-473 AGENDA ITEM 11 – PUBLIC WORKS

Agenda Subject: “Recommendation to award bid for construction of the Crystal Bay Phase IB & IIA Water Quality Improvement Project EIP #668A and 668B to the lowest, responsive and responsible bidder (staff recommends Burdick Excavating Co., Inc.) [\$606,975]; and if awarded, authorize Chairman to execute contract documents. (Commission District 1)”

There was no public comment on this item.

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

09-474 AGENDA ITEM 12 – PUBLIC WORKS

Agenda Subject: “Recommendation to award Base Bid and Alternate Number One for the Sheriff’s Office Cyber Crime Tenant Improvement project to the lowest responsive and responsible bidder (staff recommends Isbell Construction) [\$253,717]; and if awarded, authorize Chairman to execute contract documents. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 12 be awarded, authorized and executed.

09-475 AGENDA ITEM 14 – COMMUNITY RELATIONS

Agenda Subject: “Recommendation to approve renewal of Exhibit B-1: Agreement For Video Broadcasting And Production Services between the County of Washoe and G3 Productions for Video Broadcasting/Production Services for Fiscal Year 2009-10 [\$125,508] and authorization to pre-pay \$64,033 from Fiscal Year 2008/09 funds to receive discount; and if approved, authorize Chairman to execute Agreement. (All Commission Districts)”

There was no public comment on this item.

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

09-476 AGENDA ITEM 15 – DEPARTMENT OF WATER RESOURCES

Agenda Subject: “Recommendation to authorize an increase in the annual expenditure estimate for water meter boxes, touch read lids, and miscellaneous water works supplies resultant from Invitation to Bid #2582-07 (Western Nevada Supply) from \$120,000 to \$220,000 per year to more closely match actual annual expenditures. (All Commission Districts)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 15 be authorized.

09-477 **AGENDA ITEM 16 – TRUCKEE RIVER FLOOD MANAGEMENT PROJECT**

Agenda Subject: “Recommendation to approve Amendment No. 2 to Interlocal Agreement between the County of Washoe and the City of Reno, to include design work for the replacement of the Virginia Street Bridge in the Downtown Reno Bridge Visioning TRAction Project; and if approved, authorize an additional amount not-to-exceed \$2,000,000 for a total project cost of \$2,785,000; authorize use of the 1/8-cent sales tax dedicated to the Truckee River Flood Project to fund the Amendment to the Agreement and direct Finance to make appropriate budget adjustment; and authorize Chairman to execute Amendment No. 2 of the Interlocal Agreement. (Commission District 3)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 16 be approved, authorized, directed and executed. The Amendment to the Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

09-478 **AGENDA ITEM 19 – FINANCE DEPARTMENT**

Agenda Subject: “Recommendation to approve and execute an Ordinance authorizing the issuance of the Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) local improvement district bonds, Series 2009 in the maximum aggregate principal amount of \$1,478,641 to finance the cost of water system improvements; providing for adoption as if an emergency exists; and providing the effective date hereof and other matters properly related thereto. (Commission District 2)”

Amy Harvey, County Clerk, read the title for Ordinance No. 1402, Bill No. 1581.

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 Ordinance No. 1402, Bill No. 1581, entitled, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) LOCAL IMPROVEMENT DISTRICT BONDS, SERIES 2009 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$1,478,641 TO FINANCE THE COST OF WATER SYSTEM IMPROVEMENTS; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF AND OTHER MATTERS PROPERLY RELATED THERETO" be approved, adopted and published in accordance with NRS 244.100.

09-479 **AGENDA ITEM 20 – FINANCE DEPARTMENT**

Agenda Subject: “Recommendation to approve and execute an Ordinance authorizing the issuance of the Washoe County, Nevada, General Obligation (limited tax) Medium-term Refunding Bonds, Series 2009C for the purpose of refunding certain outstanding bonds; specifying the terms and conditions of such bonds and their form; authorizing the Finance Director to specify other details concerning the bonds; repealing Ordinance No. 1394 adopted on February 24, 2009; providing for adoption as if an emergency exists and providing other details in connection therewith. (Commission District 4)”

Amy Harvey, County Clerk, read the title for Ordinance No. 1403, Bill No. 1582.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1403, Bill No. 1582, entitled, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM REFUNDING BONDS, SERIES 2009C FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; SPECIFYING THE TERMS AND CONDITIONS OF SUCH BONDS AND THEIR FORM; AUTHORIZING THE FINANCE DIRECTOR TO SPECIFY OTHER DETAILS CONCERNING THE BONDS; REPEALING ORDINANCE NO. 1394 ADOPTED ON FEBRUARY 24, 2009; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH" be approved, adopted and published in accordance with NRS 244.100.

09-480 **AGENDA ITEM 21 – FINANCE DEPARTMENT**

Agenda Subject: “Recommendation to approve and execute an Ordinance authorizing the issuance by Washoe County, Nevada of its “Washoe County, Nevada, General Obligation (limited tax) (additionally secured by pledged revenues) Golf Course Refunding Bonds, Series 2009D” for the purpose of refunding certain outstanding bonds; providing the form, terms and conditions of the bonds; securing their payment by a pledge of the net revenues of the golf course facilities to be financed with the proceeds of the bonds; repealing Ordinance No. 1395 adopted on February 24, 2009; providing for adoption as if an emergency exists and providing other details in connection therewith. (All Commission Districts)”

Amy Harvey, County Clerk, read the title for Ordinance No. 1404, Bill No. 1583.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1404, Bill No. 1583, entitled, "**AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA OF ITS "WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) (ADDITIONALLY SECURED BY PLEDGED REVENUES) GOLF COURSE REFUNDING BONDS, SERIES 2009D" FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS; SECURING THEIR PAYMENT BY A PLEDGE OF THE NET REVENUES OF THE GOLF COURSE FACILITIES TO BE FINANCED WITH THE PROCEEDS OF THE BONDS; REPEALING ORDINANCE NO. 1395 ADOPTED ON FEBRUARY 24, 2009; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH**" be approved, adopted and published in accordance with NRS 244.100.

09-481 AGENDA ITEM 22 – FINANCE DEPARTMENT

Agenda Subject: "Recommendation to approve and execute an Ordinance authorizing the issuance of the "Washoe County, Nevada, General Obligation (limited tax) Refunding Bonds (additionally secured by pledged revenues), Series 2009A," for the purpose of refunding certain outstanding bonds secured by consolidated tax pledged revenues; providing the form, terms and conditions of the bonds and other details in connection therewith; repealing Ordinance No. 1392 adopted on February 24, 2009; and adopting this Ordinance as if an emergency now exists. (Commission District 4)"

Amy Harvey, County Clerk, read the title for Ordinance No. 1405, Bill No. 1585.

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1405, Bill No. 1585, entitled, "**AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE "WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2009A," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS SECURED BY CONSOLIDATED TAX PLEDGED REVENUES; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; REPEALING ORDINANCE NO. 1392 ADOPTED ON FEBRUARY 24, 2009; AND ADOPTING THIS ORDINANCE AS IF AN EMERGENCY NOW EXISTS**" be approved, adopted and published in accordance with NRS 244.100.

AGENDA ITEM 13 – HUMAN RESOURCES

Agenda Subject: “Recommendation to approve the Health Benefits Program for employees, dependents and retirees for Fiscal Year 2009/2010, including changes recommended by the Insurance Negotiating Committee [approximate annual cost \$46,400,000]; and if approved, authorize Acting Human Resources Director to execute insurance contracts and service agreements necessary to continue the Program. (All Commission Districts)”

Commissioner Larkin asked what percentage of the General Fund was represented by the \$46 million. Katy Simon, County Manager, explained the entire \$46 million did not come out of the General Fund because about 30 percent of the employees were covered by other funds. She stated about 8 to 10 percent of the General Fund budget went to employee health costs. She acknowledged costs for health benefits were increasing much faster than the Consumer Price Index, although revenues were decreasing. She estimated an overall increase of about 11 percent for health benefits from the previous year. Commissioner Larkin noted co-pay amounts had increased as well.

Chairman Humke asked about federal subsidies for COBRA premiums. Kristie Harmon, Benefits Specialist, indicated the federal government, as part of the American Reinvestment and Recovery Act, would subsidize 65 percent of the COBRA premium for nine months for employees who were involuntarily terminated.

There was no response to the call for public comment.

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

AGENDA ITEM 17 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Recommendation to award contract [\$144,710] to prepare a master plan and construction documents to construct a trailhead at the Persigehl Ranch, a planned project funded by WC-1 Voter Approved Regional Parks, Open Space, Trails and Libraries Bond of 2000; and if awarded, authorize Chairman to execute an Agreement between the County of Washoe and Design Workshop and authorize Finance to make all appropriate financial adjustments. (Commission Districts 1 and 2)”

Lynda Nelson, Planning Manager, stated funding for the trailhead project was allocated from voter approved WC-1 bonds, so no General Fund dollars would be used. She indicated preparation of the master plan was to include public scoping, interviews with neighbors and stakeholders, public meetings, design work, cultural surveys, and wildlife and plant surveys. She said construction bids were likely to go out in January 2010 and would come back to the Board of County Commissioners for

approval. She displayed the map shown in Exhibit B of the staff report and described the tentative project plan.

Chairman Humke asked about the funding source. Ms. Nelson explained the voter approved 2000 WC-1 bonds allocated approximately \$28 million to the Washoe County Regional Parks and Open Space Department for parks, trails and open space development projects. She noted the design and construction of the trailhead would probably complete the last of the bond projects. She indicated the Department had been very successful in getting volunteer groups to adopt trailheads to take care of maintenance.

Commissioner Weber wondered how the voters approved the budget for the trailhead project. Ms. Nelson said a list of projects had been developed in each category for parks, trails and open space; a multi-agency subcommittee provided input and agreed on prioritization of the project list; and the project list was approved by the Board in preparation for the 2000 ballot question. Commissioner Weber commented the voters' approval was not specific to the Persigehl Ranch trailhead. Ms. Nelson clarified the project list for the bond included the entire 1,200 acres of the Ballardini Ranch. She indicated some things had changed since that time, and the County was provided with an opportunity to purchase the 121-acre parcel through the Ballardini Ranch settlement agreement. County Manager Katy Simon added that a trailhead was described to the voting public as part of the Ballardini Ranch acquisition project. Commissioner Weber questioned whether the Board voted on the project. Ms. Simon stated the Board voted on the project list prior to the 2000 election and it was advertised to the voters that a trailhead would be part of what the County would spend the bond money on.

Commissioner Weber indicated she could not vote in favor of the project. She acknowledged the expenditure was not from the General Fund, but said it sent the wrong message in the current economic climate to spend money on a trailhead.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion carried on a 4-1 vote with Commissioner Weber voting "no," it was ordered that Agenda Item 17 be awarded, authorized and executed. It was further noted that the project was a fiscal stimulus action.

09-484 AGENDA ITEM 18 – COMMUNITY DEVELOPMENT

Agenda Subject: "Recommendation to authorize Chairman to execute Resolution pursuant to NRS 278.0272(7) to sponsor amendment of the Regional Utility Corridor Report, a part of the Truckee Meadows Regional Plan, for the creation of a new Utility Corridor and related utility sites from Virginia Peak in the Pah Rah Range along the eastern side of the Warm Springs Valley to the Tracy Power Plant as identified in Exhibit A. (Commission District 4) *Continued from April 28, 2009 Commission Meeting.*"

Commissioner Larkin asked staff to explain the relationship between the agenda item and his request at the Regional Planning Governing Board (RPGB) for the initiation of a utility corridor study that would set standards for future projects. Trevor Lloyd, Planner, explained the agenda item was a request to sponsor the initiation of a regional amendment process. If established, he indicated a utility corridor might allow additional transmission lines in the future. He stated there would be a full analysis as part of the regional process, and the process would include hearings before the Regional Planning Commission (RPC) and the RPGB.

Commissioner Larkin said the project was being moved forward because it was an economic stimulus, but he did not want it to establish a precedent for criteria that would hamper future utility corridor studies. Adrian Freund, Director of Community Development, stated some preliminary analysis on establishing criteria for shared corridors for renewable energy projects had already been done by Regional Planning Agency staff. He noted the identification of possible suitable sites for wind and solar energy was underway as part of the Regional Planning Agency's work program, and would eventually come before the RPC and the RPGB for action. Commissioner Larkin commented future criteria might or might not be consistent with the Virginia Peak route, but the region would learn from the project. He emphasized it should be clearly understood the project was not necessarily the model for how the region should move forward with future utility corridors as they were further studied and identified.

Commissioner Breternitz asked whether easements would still have to be obtained from private property owners if a regional utility corridor amendment was granted. Mr. Lloyd clarified an amendment would establish the utility corridor as a preferred site, but the specific transmission lines were a separate issue and agreements to place transmission lines would still need to be obtained.

In response to the call for public comment, Cathy Glatthar, Juliana Kipps, Dennis Goodsell and Bob Stadtmiller asked the Board not to authorize the Resolution and to reject sponsorship of the new utility corridor. They each placed written comments and materials on file with the Clerk. They objected that the route was specific to the Virginia Peak wind project, the route had not been fully explored as an industrial utility corridor, industrial utility corridors were inappropriate for a residential community, alternate routes were available, and easements had not been obtained from private property owners. Mr. Stadtmiller placed a survey of several residents of the Wilcox Ranch Subdivision on file with the Clerk.

Hugh Ezzell, Chairman of the Warm Springs Valley Citizen Advisory Board, said he had talked with the President of the Wilcox Ranch Association, who stated there had not been a vote, but the Association was not opposed to the project. Mr. Ezzell noted options for easements had been secured from several residents and easements would come in the natural course of the project. He suggested several residents initially opposed easements because they thought wind turbines would be built on their properties, but were supportive when it was explained the easements were simply for a power

transmission line. He asked the Board to move the project forward to the RPC for further discussion.

Mike Kinney, Vice President of the Laborer's Union, urged Board approval. He stated the area needed renewable energy and the project was a good start.

Commissioner Weber asked about the process that would follow if the Board were to approve the Resolution. Mr. Lloyd indicated there would be a public hearing before the RPC, followed by an additional public hearing before the RPGB. If approved, the project would then undergo a regional conformance review. Commissioner Weber said she wanted to be sure there were plenty of opportunities for citizens to give more public comment and get additional information.

Commissioner Larkin thanked the citizens for taking their time to come before the Commission. He emphasized this was the first step in a long process, and the corridor was not about any specific project. He explained Board approval would initiate a regional amendment process that was necessary for responsible planning and would allow a policy level discussion.

On motion by Commissioner Larkin, seconded by Chairman Humke, which motion duly carried, it was ordered that the Chairman be authorized to sign the Resolution to initiate sponsorship of an amendment to the Regional Utility Corridor Report (RUCR) for the creation of a 120kV transmission line from Virginia Peak to the Tracy Power Plant in the Truckee Canyon. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-485 AGENDA ITEM 23 – REGIONAL PARKS AND OPEN SPACE

Agenda Subject: “Accept staff report and possible action and direction regarding issues relating to Northgate Golf Course including, but not limited to, an update on the appraisal of the property; identification of possible sources of matching funds for an anticipated application for SQ-1 Open Space Acquisition funding; status of Reno City Council discussion on their participation in property maintenance; and a decision on whether to operate the property as a golf course. (Commission Districts 1 and 5)”

Doug Doolittle, Director of Regional Parks and Open Space, provided a brief history of the issues surrounding the agenda item. He emphasized the importance at this stage for the Board to make a decision as to whether Northgate would continue to operate as a golf course.

Mr. Doolittle outlined the process to obtain State Question 1 (SQ-1) funds to acquire the property as open space. He noted the Nevada Land Conservancy had agreed to be the nonprofit sponsor of a Round 11 SQ-1 application that would be due September 30, 2009. There would be a decision by January 30, 2010, and funds would be available in March or April 2010 if the application was successful. He pointed out 50

percent matching funds from another source would have to be secured before a State funding agreement could be signed. He indicated the Board could consider reallocation of funds from the Washoe County 1 (WC-1) project list, and there had also been discussion at public meetings about the creation of a Special Assessment District (SAD). He stated SQ-1 funds would not cover maintenance costs and would not cover the acquisition of developed areas such as the parking lot, clubhouse and maintenance facility. He suggested a boundary line adjustment might be required to create two separate parcels.

Mr. Doolittle observed an appraisal was necessary to clarify the amount to be requested on the SQ-1 grant application. He indicated there had been discussion about splitting appraisal costs with RJB Development, and a list of appraisers had been provided to them by the County.

Mr. Doolittle explained a public meeting held on March 19, 2009 focused primarily on open space, and a second public meeting on April 9, 2009 focused primarily on maintaining the property as a golf course. Property owners seemed to agree that both alternatives should be reviewed. He pointed out there was only 60 days in which to reach agreement with RJB Development regarding an option on the property.

Mr. Doolittle reviewed several of the reasons the County was not in a position to operate Northgate as a golf course, including: a history of operational losses; no viable proposals to contract public golf courses to a private operator after an exhaustive RFP process; removal of the RSCVA portion of water rights from the Northgate Golf Course that would necessitate the expenditure of several million dollars to acquire new rights; a December 2004 report concluding there was an excess of golf courses in the Truckee Meadows; and the extreme budget situation that was resulting in significant service cuts in all areas of Washoe County operations. He noted all of the equipment from the clubhouse and maintenance facility had been sold by the RSCVA, and the golf course had been sitting idle with no maintenance and no water since October 2008.

Commissioner Larkin questioned who would pay for the appraisal. Mr. Doolittle said there had been previous discussion of splitting the cost with RJB Development. He indicated staff needed direction, but was moving forward with the process to identify appraisal terms. Katy Simon, County Manager, stated the level of expenditure was within her discretion and she had authorized staff to move forward with the appraisal.

Commissioner Larkin asked whether there was any new information to indicate the operation of a golf course could be profitable. Mr. Doolittle said he had not seen any proposals that changed the County's situation.

Commissioner Breternitz observed he attended a meeting where RJB Development indicated they would be willing to share appraisal costs if both parties agreed on the selection of an appraiser. He stated it made sense to have an appraisal and would save money in the long run.

Chairman Humke wondered whether there had been any discussion with the City of Reno about contributing to the cost of the appraisal. Commissioner Breternitz indicated the City had been asked to perform maintenance during the negotiation period with RJB Development, but he did not think the City was aware of any interest in sharing the appraisal costs.

Commissioner Weber referenced the comments made during general public comment that Washoe County should keep Northgate as a golf course. She pointed out there was a clause in the deed that ownership reverted back to RJB Development, so the property was not the County's to keep. Commissioner Larkin stated the County could buy it. Commissioner Weber observed the County was trying to negotiate and to allow public discussion, but it seemed there was nothing left of the golf course. Mr. Doolittle agreed the facility was a shell and everything of substance had been removed. He noted the land was drying up as seasonal temperatures rose. Commissioner Weber acknowledged public sentiment that the property should remain as some type of open space. She stated the Board needed to make some kind of decision about whether or not it could operate a golf course before other discussions could move forward. She pointed out there was a timeline and lots to be done if the property was to be kept as open space.

Commissioner Breternitz said, although he was not a golf course designer, his rough calculations showed it would cost a minimum of \$5 or \$6 million to restore Northgate as a golf course operation. He attributed much of the cost to the provision of water rights.

Commissioner Larkin noted the Board's last direction had been to act as a facilitator in exploring options. He wondered if the Commissioners had moved to advocating for open space when that was not the Board's official position. Commissioner Weber said she did not consider herself an advocate, but the District she represented clearly wanted the property kept as either open space or a golf course. She indicated she was a facilitator because the County would have to work with the City and the public on any solutions that might go forward.

Commissioner Larkin stated one option was for the County to acquire the property, a second was for it to revert to RJB Development, and another option was for citizens to acquire the property, possibly through their homeowners association. Commissioner Weber did not agree those were the only options. She said she wanted some time to figure out how all the entities could participate in a solution. Commissioner Breternitz indicated there were a number of options, but the key was to get some time to allow proper exploration of what opportunities were available. He agreed the Board must first clarify the issue of whether or not there would be a golf course.

In response to the call for public comment, William Kandaras placed written materials on file with the Clerk. He stated the golf course could break even on its operational expenses, particularly if one entity was looking at eventual management of all four public golf courses.

Barbara McLaury suggested many of the residents had not been aware of the issues until the equipment was auctioned off and the golf course was closed. She said it was in the community's best interest to resolve the situation.

Sherrille Galli asserted the operational losses were only about \$89,000 per year if depreciation was not included in the formula, as opposed to the reported losses of \$0.5 million per year. She suggested a special tax assessment could easily make up an \$89,000 annual loss, and requested the water rights be put back.

Kathy Dobbs indicated the property values of hundreds of homes around the golf course were likely to plummet and the land would be ruined for any purpose if it was not watered. She noted the County could keep ownership if it operated the property as a public golf course. She pointed out the vote taken at the first public meeting had not included a choice to keep the golf course, only the alternatives of open space versus reversion to RJB Development.

If the Board decided to keep an option on the land, Commissioner Breternitz said he would invite proposals for the operation of a golf course while further negotiations took place. He noted someone would have to be willing to pay \$5 million to get the operation up and running. He said it was not possible for the Commission to get a golf course operating in time for the summer of 2009. He pointed out equipment such as golf carts, irrigation systems and controllers was originally purchased by the RSCVA and it was not the County's position to say the RSCVA could not take those things away. He emphasized the County had not had much control over things up to this point, but was now trying to see what would serve the best interests of everyone involved.

Commissioner Larkin asked for clarification of government accounting practices concerning depreciation. John Sherman, Finance Director, noted capital investments such as buildings and equipment were not expensed at the time of purchase, but were depreciated on an annual basis. Without depreciation, he said the true cost of the operation might not be accurately reflected and there was a potential of being upside down when equipment needed to be replaced. He noted there would be an auditing exception if depreciation was not reported, and discussed some of the adverse consequences that could result if the County did not have a clean audit report. Commissioner Jung asked who controlled the depreciation schedules. Mr. Sherman stated department heads had input, but the depreciation schedules were managed by Finance and the Comptrollers Office. He explained it was typical to divide the value of an asset over the number of years of its useful life. He emphasized depreciation was consistently reported for all fixed County assets.

Commissioner Larkin remarked there had been extensive analysis done concerning the public golf courses. He asked Mr. Kandaras how there could be enough revenue in a slow economy to cover \$4 or \$5 million in startup costs, as well as operational costs. He observed the community was still estimated to be 36 holes over and above what the golf market would bear. Mr. Kandaras acknowledged no one would be

able to do it if they had to come up with \$5 million. He noted a lot of the private courses were struggling as well, but the closure of two public courses would help. He said the County would have no basis in the asset if it took over because the depreciation was on the RSCVA books and had already been spread over 20 years. He indicated his numbers were based on cash flow losses after depreciation and assumed water rights would be put back. Commissioner Larkin stated the value of the asset would be placed at its current market value if the County were to take over. He noted the golf course had been heavily subsidized out of general funds for the last four or five years. Mr. Kandaras said he could not provide hard and fast financial information unless he was allowed to make a proposal. Commissioner Larkin indicated an RFP had previously gone out to the community, but there had not been any viable proposals.

Commissioner Larkin referenced the staff report, which clearly articulated there had been no proposals to provide for the profitable operation of Northgate, Sierra Sage, or Rosewood Golf Courses. He stated it was not appropriate to play accounting games, and the Commission had to move forward based on the information provided in the regional golf report.

Commissioner Breternitz clarified there would be a minimum of \$5 million in start-up costs no matter who operated the property as a golf course. He stated the amount did not include purchasing any land and assumed the County would donate the same share of water rights that it had provided to the RSCVA operation.

Chairman Humke read from the second paragraph of page 3 of the staff report, which described the County's ownership role as incidental and resulting from State statutes that required the County to hold title on behalf of the RSCVA. He said the County had not yet quit claimed its ownership interest to RJB Development because a Reno City Councilman and several citizens prevailed on the Commission to explore other options prior to reversion of the deed. He emphasized he had never been in favor of spending any money on Northgate.

Commissioner Weber read from the fourth and fifth paragraphs of page 3 of the staff report, which talked about the reversion clause and the removal of equipment belonging to the RSCVA. She said it was important to note the property had not initially come with water rights. She indicated it was difficult during the current budget situation to keep the property operating as a golf course.

Commissioner Jung indicated it would be unwise to invest tax dollars in a golf course that had never been able to break even. She stated there was a moral imperative for the Board to do whatever it could to maintain the property as some sort of open space.

Commissioner Weber agreed it was in the public interest to explore other options, although she was not necessarily in favor of using taxpayer dollars to move forward.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, the Board directed that Washoe County would not operate Northgate as a golf course.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, the Board directed staff to:

- continue negotiations with RJB Development in an effort to work toward an option agreement;
- identify potential funding sources;
- develop a schedule of critical timelines knowing that time was of the essence for securing State Question 1 grant funds and matching funds;
- work with the City of Reno (staff, Commissioners and concerned Council members) to identify and define roles and responsibilities;
- proceed with a property appraisal, preferably with costs to be shared; and
- proceed with an application to secure State Question 1 grant funding and determine options for securing matching funds.

1:33 p.m. Chairman Humke declared a recess.

2:15 p.m. The Board reconvened with Commissioner Larkin absent and Assistant District Attorney Paul Lipparelli temporarily filling in as Legal Counsel.

09-486 AGENDA ITEM 24 – COUNTY MANAGER’S OFFICE

Agenda Subject: “Presentation of the Fiscal Year 2009/10 recommended budget and possible action on changes to the recommended Fiscal Year 2009/10 Budget, including, but not limited to, Sun Valley Pool update and request for funding and possible direction to staff (requested by Commissioner Weber). (All Commission Districts)”

County Manager Katy Simon noted Board action to adopt the budget was scheduled to take place on May 18, 2009, and could be continued to May 19th and/or May 26th if necessary. She explained the County was required to submit a final budget to the State by June 1st, but had 30 days after the close of the Legislative Session to submit amendments. She said it was highly likely that legislative action would make it necessary to amend the final budget.

2:20 p.m. Commissioner Larkin arrived at the meeting.

Ms. Simon conducted a PowerPoint presentation, which was placed on file with the Clerk. She noted costs for the Public Employees Retirement System and employee health insurance had increased, revenues had decreased, and a structural deficit of over \$47 million was expected by year end. She reviewed budget strategies and referenced Table 3 on page 9 of the staff report, which summarized budget reduction

targets, the budget plans submitted by each department, and the Manager's budget recommendations. She discussed specific areas where her final budget recommendations differed from the plans submitted by the following departments: Alternate Public Defender, Assessor, Board of County Commissioners, Conflict Counsel, County Recorder, District Court, Law Library, Public Administrator, Public Defender, Public Guardian, Public Works, Regional Parks and Open Space, and Treasurer.

Commissioner Larkin said he still had concerns about unresolved staffing standards for the Alternate Public Defender and Conflict Counsel. Ms. Simon stated the Nevada Supreme Court was moving forward to establish performance standards, although they granted additional time for the County to complete caseload studies. John Berkich, Assistant County Manager, explained the standards imposed by Court Order No. ADKT 411 went into effect April 1, 2009. He indicated staffing was still under the original standards, and would have to be reevaluated as new standards were put into place. He pointed out the Public Defender and other offices involved in indigent defense were required to notify the Commission of any critical staffing shortages. He confirmed for Commissioner Larkin there had been no such shortages to date.

Chairman Humke asked how the citizens could be assured of one statewide standard for attorney representation ratios. Mr. Berkich replied the standards adopted by the Supreme Court were uniform across the State. He noted weighted caseload studies were required to be completed by July 1, 2009, and the Court could establish caseload limits for the practice of indigent defense based on the studies.

Chairman Humke questioned who made the determination of indigency. Mr. Berkich explained the determination was prescribed in ADKT 411 and evaluated for each defendant by the Pretrial Services Department of the District Court. Chairman Humke suggested the determination should be an Executive Branch function rather than a function of a Judicial Branch agency. Mr. Berkich said it was not required by law to be under the District Court, but was historically structured that way. Chairman Humke requested an agenda item to change the function to the Executive Branch. He asked whether the Court could override a determination of indigency. Mr. Berkich indicated the standards set by the Supreme Court were used when exploring a defendant's financial capability. Chairman Humke questioned whether defendants had an obligation to submit continued financial declarations that might show whether or not they were still indigent. Mr. Berkich replied it was not typical to change the determination after it had been made.

Chairman Humke asked whether there was any new information on recoupment. Mr. Berkich stated the County recouped approximately \$150,000 per year from defendants' payments, and was working with the District Court to improve the collections program.

Commissioner Larkin asked about the uniform implementation of standards. Mr. Berkich indicated a statewide team was conducting training exercises. Commissioner Larkin noted indigent defense programs cost about \$2 million two years ago and had now reached \$10 million. Mr. Berkich indicated a future item would come

before the Board regarding early caseload resolution. Chairman Humke questioned whether the subject should be revisited before the budget was adopted. Mr. Berkich said he did not believe it was necessary because the County would not spend more money on early caseload resolution programs.

Ms. Simon concluded her recommendation was to accept \$31 million out of the \$33.1 million reductions submitted in the departments' budgets. She stated the reductions would not be strategic in some cases and Risk Management reserves could be used to make up the difference. She noted the departments received approximately \$13 million in credits for mid-year 2008-09 reductions that produced sustained cost savings. She outlined some of the impacts of the recommended reductions, noting 306 job positions would not be funded to generate \$18 million in savings. Of the 306 positions, she said 92 would result in layoffs and 144 would come from voluntary separation incentives. She estimated the up-front costs at \$7.4 million for separation incentives, and indicated long-term savings of approximately \$25 million were expected over the next two to three years.

Commissioner Jung asked what percentage of all positions was represented by the 92 that were proposed to be laid off. Ms. Simon replied there were about 3,200 positions Countywide, so slightly less than 3 percent would be laid off. She noted the staff would be approximately 16 percent smaller when all vacancies were taken into account.

Ms. Simon noted some corrections to the chart of non-funded positions shown on page 13 of the staff report. She stated the District Attorney's Office had 4 vacant positions, 5 people approved for voluntary incentives, 8 individuals to be laid off, and 1 pending retirement. Under the Public Guardian, she indicated 2 would take incentives and 2 were to be laid off.

Ms. Simon pointed out many departments would face staffing reductions of 20 to 30 percent, and about 500 Countywide positions would not be funded. She recommended a total General Fund budget of \$334,908,310, with total operating revenues budgeted at slightly less than \$290 million. She said the Risk Management Fund had more reserves than what was recommended in the most recent actuarial study, and the excess could be used to help balance the budget by financing up-front separation costs and transitional costs, and by ensuring an adequate ending fund balance of 8 percent.

Commissioner Larkin remarked the revenue projections sounded fairly precise. John Sherman, Finance Director, indicated the amount had to be estimated down to the dollar, although it was known that the actual revenues and expenditures in any given year would be different from the projected budget. Commissioner Larkin asked about the ending fund balance. Mr. Sherman noted the Board had directed staff not to deplete reserves, and an ending balance of 8 percent was sufficient going into the 2010-11 fiscal year. Ms. Simon added there were a variety of unknowns that would have to be dealt with as they arose, such as diversion of property taxes to the State, requirements for

indigent defense counsel and the impacts of future court cases. She noted the department heads were aware they might have to be prepared for some of the unknowns.

Chairman Humke asked whether the District Health Department met its budget reduction targets. Ms. Simon indicated they were in the 12 percent reduction tier and their reduction goals had been met. She noted Commissioner Jung sat on the Board of Health. A brief discussion took place regarding the role and jurisdiction of the Board of County Commissioners relative to the Board of Health.

Chairman Humke asked what budget cutting strategies would be used to address any of the unknowns the County might face. Ms. Simon said she would apply the same strategic principles used so far. She acknowledged it might become necessary to further reduce some programs or departmental budgets, in combination with the use of some reserves or reduction of the ending fund balance.

Several students from Reno High School who were observing from the audience were introduced to the Board.

Ms. Simon discussed the charts shown on pages 18 through 21 of the staff report, including: General Fund Revenues & Other Sources, General Fund Expenditures by Function & Use, General Fund Expenditures by Type, General Fund Expenditures Per Capita, General Fund Expenditures by Function and General Fund Expenditures by Type. She identified some potential fiscal issues that could impact the budget in the near future, such as \$6 million in property tax revenues shifted to the State, \$800,000 in sales taxes shifted to the State, \$5 million or more for indigent defense based on ADKT 411, \$2 million or more if deputies prevailed in the Sheriff's Deputies Interest Arbitration case, and unknown costs in disputes over Incline Village property taxes. She referenced Addendum A to the staff report, which contained the details of every budget and program, and was entitled *County Manager Budget Recommendations for Fiscal year 2009/10*.

In response to the call for public comment, County Clerk Amy Harvey stated the percentages shown in the budget presentation did not entirely reflect the impact to the workforce and the depth of possible service cuts in the Clerk's Office. She pointed out one-third of her employees were either being laid off or taking voluntary separation incentives, reducing the department's total number of full time equivalents from 23 to 16. She placed a copy of her written comments on file with the Clerk.

Commissioner Weber asked whether the swimming pools were to remain open in the proposed budget. Ms. Simon confirmed they would remain open for the summer of 2009. Commissioner Weber wondered if keeping the Vya Maintenance Station open was still under consideration. She said it was her understanding a decision could not be made for another 30 days. Ms. Simon clarified there was some movement of employees that would determine the outcome. Dan St. John, Public Works Director, explained the budget proposal showed a reduction in staffing from 13 to 9 positions

within the Gerlach-Vya work area. He said there would be an update to the Board the following week.

Chairman Humke indicated he received an email from an employee of the Assessor's Office questioning the relative cuts being made for departments that had the same number of employees and/or new functions or tasks over a number of years. Ms. Simon indicated there was no question the County had grown. She noted some departments had invested heavily in technology, but that did not necessarily make up for workload changes over time. She commented the Assessor could not support property tax assessments without adequate personnel to do annual reappraisals.

Josh Wilson, County Assessor, thanked the Commission and the Manager for working with his department. He observed technological advances had allowed his office to absorb a parcel count that had doubled over the last 20 years. He vowed to do everything possible to maintain a system of annual reappraisals and give the County and his constituents a bigger bang for the buck.

Mr. Sherman expressed his gratitude to Budget Manager Darin Conforti and the staff of the Budget Division. All of the Commissioners agreed and thanked Ms. Simon and Mr. Sherman for their efforts during several months of budget trials and tribulations. Ms. Simon remarked that a lot of people on the team shared the burden. She noted the process had taken a difficult toll on employees and their families. She stated Washoe County had the best people in the business working on its behalf.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, the Board acknowledged the County Manager's report and budget recommendations for fiscal year 2009/10. Staff was directed to bring the County Manager's budget recommendations back to the Board for consideration of adoption at its special meeting on May 18, 2009.

3:38 p.m. Commissioner Jung temporarily left the meeting.

09-487 AGENDA ITEM 25 – MANAGEMENT SERVICES / COMMUNITY SUPPORT ADMINISTRATOR

Agenda Subject: “Recommendation to approve the submission of the Sun Valley Swimming Pool Rehabilitation Project [\$372,000 with in-kind match of \$44,547] to the State of Nevada Community Development Block Grant for funding consideration; and if approved, authorize Chairman to execute the documents concerning same. (Commission District 5)”

Jennifer Budge, Park Planner, indicated Darrin Price, General Manager of the Sun Valley General Improvement District (SVGID), could not attend but was in support of the agenda item. She noted SVGID was a partner in the grant application. County Manager Katy Simon indicated the County was allowed to submit one project for consideration under the Block Grant.

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried with Commissioner Jung absent, it was ordered that Agenda Item 25 be approved, authorized and executed.

09-488 AGENDA ITEM 26 – 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. (All Commission Districts)”

County Manager Katy Simon provided a brief update as to the status of AB 74, AB 54, SB 59, AB 353, SB 201, SB 175 and AB 119. She indicated staff was tracking about 450 out of 1,000 bills that had been introduced. She complimented John Slaughter, Management Services Director, and the lobbying team working on behalf of Washoe County for their successes during a difficult Legislative Session.

09-489 AGENDA ITEMS 6 AND 31 COMBINED – ANNOUNCEMENTS, REPORTS AND UPDATES

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.)”

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).”

Chairman Humke reopened Agenda Item 6. The Board combined Agenda Items 6 and 31.

Commissioner Weber requested a future agenda item to consider additional recreation powers for the Sun Valley General Improvement District (SVGID). She indicated a Resolution making the request had been approved by the SVGID Board. She announced an upcoming board meeting for the Nevada Association of Counties.

3:45 p.m. Commissioner Jung returned to the meeting.

Commissioner Breternitz reported he and Commissioner Jung attended the first meeting of the Shared Services Committee. He noted the Committee reviewed a list of possibilities and asked staff to focus on Information Technology, Human Resources

and Purchasing. He indicated the Committee would meet once or twice a month beginning in July 2009, after each of the bodies completed its budget processes. He complimented Assessor Josh Wilson on his presentation to the West Truckee Meadows Citizen Advisory Board. He noted he would be doing a ride along with the Sheriff's Office in Incline Village.

Commissioner Jung said she attended the Adelante Awards for Nevada Hispanic Services, where she sat on the dais with Washoe County's honoree, Teresa Benitez-Thompson. She talked about the recent Great Truckee Meadows Cleanup, where she and 500 other volunteers picked up garbage in various open space areas.

Commissioner Humke announced there would be a memorial for Neil Upchurch, a longtime member of the Southeast Citizen Advisory Board, who passed away earlier in the year.

3:50 p.m. Chairman Humke declared a recess.

6:05 p.m. The Board reconvened with all members present. Melanie Foster returned to the meeting as Legal Counsel.

09-490 **AGENDA ITEM 27 (COMPREHENSIVE PLAN AMENDMENT) – COMMUNITY DEVELOPMENT**

Agenda Subject: “Comprehensive Plan Amendment Case No. CP09-001, Palomino Valley General Improvement District. (Commission District 4)

To consider the Washoe County Planning Commission's action of April 7, 2009 to approve the applicant's request to amend the Warm Springs Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 076-251-07 (±6.70 acres) from the land use designation of General Rural Residential (GRR) to Public and Semi-Public facilities (PSP). The property is located at the southeast corner of State Route 445 and Ironwood Road. The parcel is outside the Truckee Meadows Service Area, and within the area of interest of the City of Sparks, as identified by the 2007 Truckee Meadows Regional Plan. The parcel is located within Section 7, T22N, R21E, MDM, Washoe County, Nevada. The property is within the Washoe County Commission District No. 4 and within the Warm Springs Citizen Advisory Board boundary. To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include: a revised map series with updated parcel base and revised table of land uses.”

6:05 p.m. Chairman Humke opened the public hearing.

Planner Roger Pelham conducted a PowerPoint presentation, which was placed on file with the Clerk. He explained the request from the Palomino Valley General

Improvement District (PVGID) would change zoning from GRR to PSP on a 6.7-acre parcel. He indicated the zoning change would allow the parcel to be used as a water truck filling station for watering roads in the jurisdiction of the PVGID. He noted the requested use was considered a utility service and would also require the approval of a special use permit by the Board of Adjustment. If approved, he stated the lot size and anticipated uses would be in conformance with the County Development Code.

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 27 be approved, with the Board having made findings 1 through 5, the Planning Commission having made finding 6, and the Board having made one additional finding 7, all shown on page 4 of the staff report.

09-491 AGENDA ITEM 27 (RESOLUTION) – COMMUNITY DEVELOPMENT

Agenda Subject: “Comprehensive Plan Amendment Case No. CP09-001, Palomino Valley General Improvement District. (Commission District 4)

IF COMPREHENSIVE PLAN AMENDMENT IN MINUTE ITEM 09-490 APPROVED:

Authorize the Chair to sign the Resolution for the updated area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.”

On motion by Commissioner Larkin, seconded by Commissioner Weber, which motion duly carried, the Chair was authorized to execute the Resolution in Agenda Item 27 after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency. The Resolution for same is attached hereto and made a part of the minutes thereof.

09-492 AGENDA ITEM 28 (DEVELOPMENT AGREEMENT) – COMMUNITY DEVELOPMENT

Agenda Subject: “Development Agreement Case Number DA09-004, Ladera Ranch. (Commission District 5)

To conduct a Public Hearing to consider adoption of Development Agreement Case No. DA09-004 for Ladera Ranch, Tentative Subdivision Map Case No. TM05-011, that was previously approved by the Washoe County Planning Commission. The purpose of the Development Agreement is to incorporate a timeline for phasing of the project, including, but not limited to infrastructure, a financing plan, and information and methodology on proposed funding mechanisms, such as GID, SAD,

HOA, etc. This Development Agreement will ensure that all items incorporated into the phasing timeline are adequately addressed. The term of the proposed Development Agreement will be for five years from the date of signing by the Board of County Commissioners, and will require a recorded final map within the second anniversary of the signing of this Agreement. Exhibits describing phasing, financial plans and other necessary materials and information must be submitted to the Department of Community Development no later than 120 days prior to the first anniversary of the proposed Development Agreement, and must be in substantial compliance with the tentative map. The project includes a total of six parcels. The subject parcels are contiguous to each other and located to the south of Golden Valley Road/West Seventh Avenue, approximately one mile west of the intersection of West Seventh Avenue and Sun Valley Boulevard and approximately one mile east of the intersection of Golden Valley Road and Spearhead Way. The parcels total approximately 376 acres and have mixed land use designations including High Density Rural (HDR, ±61.33 acres), Low Density Suburban (LDS, ±135.3 acres), Medium Density Suburban (MDS, ±94.15 acres) and Open Space (OS, ±85.3 acres). The parcels are located within the Sun Valley Area Plan, and are situated in portions of Sections 13 and 24, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN's 082-473-07, 082-473-08, 082-473-09, 082-473-11, 082-473-12, 502-250-05)"

6:12 p.m. Chairman Humke opened the public hearing.

Planner Roger Pelham indicated the request was similar to others that had already been approved, and would allow a time extension beyond the normal two-year process for the developer's final subdivision map.

There was no response to call for public comment.

09-493 AGENDA ITEM 28 (ORDINANCE) – COMMUNITY DEVELOPMENT

Agenda Subject: "Development Agreement Case Number DA09-004, Ladera Ranch. (Commission District 5)

Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA09-004 for Tentative Subdivision Map Case No. TM05-011 for Ladera Ranch as previously approved by the Washoe County Planning Commission, the purpose of the Agreement being to extend map approval until July 5, 2010 with a possible second extension until July 5, 2011."

Amy Harvey, County Clerk, read the title of the ordinance for Bill No. 1584.

Bill No. 1584, entitled, “AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING DEVELOPMENT AGREEMENT CASE NO. DA09-004 FOR TENTATIVE SUBDIVISION MAP CASE NO. TM05-011 FOR LADERA RANCH AS PREVIOUSLY APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION, THE PURPOSE OF THE AGREEMENT BEING TO EXTEND MAP APPROVAL UNTIL JULY 5, 2010 WITH A POSSIBLE SECOND EXTENSION UNTIL JULY 5, 2011” was introduced by Commissioner Weber, the title read to the Board and legal notice for final action of adoption directed.

09-494 AGENDA ITEM 29 – COMMUNITY DEVELOPMENT

Agenda Subject: “Appeal Case No. AX09-004: Appeal of the Board of Adjustment’s Action Denying Without Prejudice Special Use Permit Case No. SB08-023 (aka Red Rock Pipeline). (Commission District 5.)

In accordance with applicable law, including Article 810 of the Washoe County Development Code, to review the record, including any additional information received by the Board of County Commissioners in the hearing of this appeal, and either affirm the Board of Adjustment’s decision to deny without prejudice the Special Use Permit, or to concur with the appellant and overturn the Board of Adjustment’s decision, subsequently approving the project. The project is located in the Red Rock area as follows: the proposed pipeline will originate at 15800 Dry Valley Road and will terminate at the north end of the Airport Authority property in Stead, within the City of Reno. The proposed route travels along portions of Dry Valley Road, Red Rock Road, and American Flats Road. The well houses are proposed to be located at 15800 Dry Valley Road. The booster pump station is proposed to be located at 14625 Red Rock Road. The surge suppression tank is proposed to be located on APN 079-381-21 on Red Rock Road, approximately 100 feet south of its intersection with Gorham Court. The proposed project is located in the North Valleys Area Plan, and is situated in portions of Sections 11-14, 23, 26, 35, T23N, R18E, Sections 1 and 2, T22N, R18E, Sections 6, 7, 18, 19, 20, 28-30, 32, T22N, R19E, Sections 5 and 6, T21N, R19E MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary. (APN’s 078-194-06, 078-091-01, 079-381-21, 078-131-05, 079-030-13, 078-124-01, 079-010-26, 079-332-23, 078-184-03) (Commission District 5)”

6:15 p.m. Chairman Humke opened the public hearing.

Planner Kelly Mullin conducted a PowerPoint presentation, which was placed on file with the Clerk. She took the Commission through the same presentation that was provided to the Board of Adjustment (BOA) and updated them on what occurred at the BOA hearing.

Commissioner Larkin requested clarification as to the language of the agenda item and the Commission’s options. Commissioner Breternitz wondered whether

the Board was looking at physical elements such as buildings and structures that typically related to a special use permit or at the broader issues related to water exportation. Melanie Foster, Legal Counsel, indicated the Applicant, Redrock Valley Ranch, LLC, was appealing the BOA's denial of a special use permit for the Red Rock Pipeline project. She stated the Commission's options were to uphold or to reverse the BOA's denial based on evidence already in the record and any additional evidence received by the Commission. She referenced the advice of Deputy District Attorney Nathan Edwards to the BOA, which was contained on pages 9 and 10 of the minutes from the March 4, 2009 BOA meeting (Attachment B to the staff report). She explained the discretion of the County Commission went beyond the boundaries of the State Engineer's decision, and their stewardship over the health, safety and welfare of the citizens allowed a broader look at the issues within their jurisdiction. She emphasized it was important for the Board to remember their determination must be supported by substantial evidence, (that which a reasonable mind would accept to support a conclusion), must be unbiased, and must be based on the evidence before them. She noted the Board of County Commissioners had always granted deference to the decisions of the State Engineer, looked very carefully at them, and never simply disregarded them.

Ms. Mullin described the route of the proposed pipeline, part of which was located in the City of Reno's jurisdiction. She detailed the location and the types of facilities associated with the proposed pipeline. She discussed the statutory requirements that resulted in hearing notices being sent to 185 property owners who owned a total of 250 parcels. She observed the Applicant was under contract with the Truckee Meadows Water Authority (TMWA) to construct the pipeline and facilities, and TMWA had first right of refusal to purchase the infrastructure after its completion. The project was intended to transport water from the Red Rock Valley to augment the water supply for the North Valleys, particularly for Lemmon Valley. She outlined some of the numerous conditions of approval that were included in the original staff report provided to the BOA (pages 15 through 21 of Attachment E).

Ms. Mullin talked about the public meetings that were held and the community comments that had been received. She indicated the North Valleys Citizen Advisory Board (CAB) voted to recommend denial of the project because they felt there were unanswered questions and had concerns about who had been noticed. Community comments included the suggestion that the entire Red Rock Valley should have been noticed rather than just the property owners within 500 feet of the project site. She said the Sierra Ranchos Property Owners Association asserted that all 212 Association members owned the Dry Valley Road and were entitled to individual notices. Other issues were raised by the community regarding CC&R prohibitions against commercial uses within the Sierra Ranchos, as well as the acquisition and use of easements along Dry Valley Road.

Ms. Mullin stated the most significant community concerns surrounded the exportation of water out of the Red Rock Valley Hydrographic Basin. She clarified the special use permit was for the construction of the physical facilities such as the pipeline, well houses and pump stations, and the question of whether water could or

should be exported from the Red Rock Basin was under the jurisdiction of the State Engineer. She noted review of the permit should take the potential impacts of the facilities into consideration. She pointed out Policy NV.16.3 of the North Valleys Area Plan required the County to protest all interbasin transfer requests before the State Engineer. Accordingly, a protest had been filed by the Department of Water Resources, but it was subsequently withdrawn and a stipulation agreement was filed between the County, the State Engineer and the Applicant. She indicated the exportation of water had been extensively reviewed and the Applicant was currently approved by the State Engineer to export up to 855 acre feet of water annually from the Red Rock Valley Hydrographic Basin. She observed the amount could potentially be increased to 1,273 acre feet if certain conditions were met. She pointed out there was a statutory requirement for a finding of conformance by the Western Regional Water Commission (WRWC) if the permit was approved by the Board of County Commissioners.

Ms. Mullin observed a substantial portion of the discussion at the BOA hearing centered on concerns about interbasin water transfer rather than on the proposed physical facilities. She identified some of the major topics discussed at the BOA meeting, including: the nature of the Applicant's contract with TMWA, noticing practices of the State Engineer for interbasin transfer requests, a potential monitoring and mitigation plan for the interbasin transfer and its enforceability, and potential impacts resulting from transferring of water out of the Red Rock Valley Basin. She stated the BOA voted unanimously to deny the special use permit because they were unable to make a finding of no detriment.

Commissioner Jung asked why the TMWA contract had been untenable to the BOA. Ms. Mullin indicated there were concerns about the permanency of the contract because it was first right of refusal rather than a guaranteed purchase of the facilities. Commissioner Jung wondered whether the water could just be held by TMWA for use wherever it was needed. John Erwin, Director of Resource Planning and Development for TMWA, explained the water rights were confined to their place of use in Lemmon Valley and the water from the Red Rock Valley could not be used in other areas of the Truckee Meadows. He stated TMWA already had service territory in Lemmon Valley.

Commissioner Jung asked whether TMWA or the appellant would be legally responsible if there were negative impacts from exporting the water. Mr. Erwin said TMWA would be responsible if it were to purchase the facilities and the water rights. Commissioner Jung questioned whether it would be reasonable or legal to require a bond from TMWA as a condition of the special use permit. Ms Foster noted TMWA was not a party in the Commission's action and was not the applicant, so it would not be wise to go in that direction.

Commissioner Jung requested clarification regarding the acquisition of easements. Ms. Mullin explained there was controversy related to public utility easements that already existed on Dry Valley Road. She indicated the easements were purchased by the Applicant from the Property Owners Association, but there was concern over whether or not the Applicant was considered a public utility and was eligible to use

a public utility easement. She said the Applicant would be required to have all appropriate easements in place before building permits could be issued for the project.

Commissioner Breternitz noted the original agreement with TMWA contemplated delivery of a minimum of 1,000 acre feet of water. He wondered about the status of the agreement since the State Engineer permitted only 855 acre feet of water. Mr. Erwin explained the original agreement was signed in May 2007 and was conditioned on a minimum of 1,000 acre feet. He stated the contract was set aside because the condition had not been met, but TMWA entered into an option to purchase because they still had an interest in the long-term provision of water in Lemmon Valley.

Commissioner Larkin noted there was some discrepancy between staff direction to the BOA and legal direction to the County Commission concerning what consideration could be given to the State Engineer's ruling. Ms. Foster pointed out the State Engineer was tasked with a very specific job as to how much water could be appropriated based on the available resources, whereas the series of findings that had to be made by the Board of County Commissioners went further and included a finding of no detriment regarding the public's health, safety and welfare. She urged the Commission to consider the State Engineer's decision, to question the State Engineer's representative about the scope and parameters of the decision, and to consider all of the other relevant evidence in front of them. She indicated staff might have given the impression that the State Engineer's ruling had some preclusive effect, but that was not what Deputy District Attorney Edwards had advised the BOA and that was not the position of the District Attorney's Office. She clarified the Nevada Supreme Court's ruling in *Serpa v. Washoe County* concluded the discretion of the county government to define orderly physical growth and development necessarily included the ability of the government to determine water availability for itself. She reiterated the Commission's decision must be based on substantial evidence in the record, and they should consider and weigh all of the evidence before them in reaching a decision.

Stephen Mollath, the Applicant's attorney, referenced the following documents, which had been placed on file with the Clerk, as being part of the record: Appeal of BOA decision filed March 13, 2009 with Exhibits 1 through 7 (Attachment A to the staff report); record of March 4, 2009 BOA Meeting (Attachments B through G to the staff report); letter dated March 25, 2009 from Mr. Mollath to the Washoe County Commissioners; PowerPoint presentation conducted by Ms. Mullin for the current agenda item before the County Commission; handout submitted by Mr. Mollath entitled *Redrock Valley Ranch, LLC Appeal Legal Issues*, handout submitted by Mr. Mollath entitled *Appeal Points RE: Water Issue Redrock Valley Ranch, LLC*; and letter dated May 11, 2009 from Wood Rodgers to Mr. Mollath.

Mr. Mollath asserted that water use and point of use were in the domain of the State Engineer, and the only issue before the Commission was a special use permit for the physical facilities and pipes that would move the water. He suggested the BOA substituted its judgment in water policies that had previously been adjudicated by State Engineer's Ruling #5816, issued on January 15, 2008 (Exhibit 1 of the Appeal

Application). He stated the BOA decision ignored the County's stipulation of June 11, 2007 (Exhibit 2 of the Appeal Application) and the Comprehensive Regional Water Management Plan (Exhibit 3 of the Appeal Application). He indicated there was an important distinction between the Applicant's case and the Serpa case because Serpa dealt with the approval of subdivision lots through a tentative map process. He emphasized there were legal issues of res adjudicata and collateral estoppel that applied because the water issues were previously adjudicated by the State Engineer's ruling, the County's stipulation, and the January 9, 2009 Amendment to the Comprehensive Regional Water Management Plan by the WRWC. He noted the issues and complaints of those opposing the special use permit were all related to water, and the opponents should have filed an appeal to the State Engineer two years ago. Mr. Mollath stated the Applicant's engineering consultants would only address the impact of the underground pipeline, well houses, pump station, and surge suppression tank. He pointed out the physical facilities were similar to several other facilities located all over the County. He commented that any decision by the Commission to declare such facilities to be a public impairment would be problematic for similar facilities operated by TMWA and the Washoe County Department of Water Resources. Mr. Mollath referenced Exhibit 4 of the Appeal Application, and indicated it established the existence of all of the necessary easements to allow construction of the pipes and facilities. He observed no litigation had been filed against the easements.

Commissioner Weber stated Mr. Mollath's claims seemed contradictory to Ms. Foster's comments. Ms. Foster explained the advice of the District Attorney's Office to the BOA and to the County Commission differed from the advice given by Mr. Mollath. She stated the District Attorney's Office did not agree with Mr. Mollath's construction of the Serpa case and did not believe the factual circumstances of the Serpa case limited the Commission's ability to consider the wider issues.

Melissa Lindell of Wood Rodgers, the Applicant's engineering consultant, explained the proposed above ground facilities were the same kind of facilities found throughout Washoe County. She noted the TMWA distribution system served over 90,000 homes and businesses, and stated the Truckee Meadows could not exist without the infrastructure necessary to provide water service. She indicated the proposed well houses, pump stations and surge suppression tank would have no more impact than any of the other facilities owned and operated by Washoe County and TMWA. She stated all of the findings related to the above ground facilities could be met, including the fact that they were not detrimental to the public. She said the subject before the Commission was the special use permit for water facilities for a public utility. Ms. Lindell described the facilities as consisting of 16.5 miles of underground pipeline, three well houses located on a 160-acre site, one pump house located in an area where there were CC&R's, and a 12-foot high 25,000-gallon surge suppression tank located at the high point of the system. She indicated the Applicant was willing to work with the Property Owners Association on the appearance of the pump house and contended the pump house was a utility use rather than a commercial one. She stated the surge suppression tank was very small when compared to other water tanks located in the County with a capacity of 1 to 1.5 million

gallons. She said the Applicant was in agreement with all of the conditions and with the original staff report.

Each of the Commissioners made separate disclosures about prior communications, discussions and meetings that had taken place. Commissioner Weber disclosed the receipt of campaign contributions from some of those who were present for the public hearing.

In response to the call for public comment, Vice President Peter Hackbusch, President Roger Seifert, and Attorney Steven Moss spoke as representatives of the Sierra Ranchos Property Owners Association (POA). Mr. Hackbusch and Mr. Moss placed documents and written comments on file with the Clerk. Mr. Hackbusch stated the Applicant misled the POA in order to obtain an easement on private property owned by Sierra Ranchos. He described a meeting that took place in February 2006, where the Applicant expressed his intent to buy the 160-acre Hay Ranch, subdivide it into smaller residential parcels, and build homes that would be compatible with the community. An access easement was requested so that each prospective homeowner could obtain financing to buy the individual homes. Mr. Hackbusch said it was customary for Sierra Ranchos to grant access in exchange for the deeded requirement to pay annual road maintenance fees. He noted the easement was not purchased, but the Applicant offered a one-time payment of \$15,000 to the Sierra Ranchos Road Maintenance Fund for the wear and tear on Dry Valley Road that would take place during construction. He asserted there was no discussion at the 2006 meeting of any plans to export water from the Red Rock Valley, although it was discovered later that the Applicant had been in negotiations with TMWA as early as six months prior to the meeting. He explained some POA members received notice from the State Engineer later in 2006. He indicated a lack of time, knowledge and funds, as well as the County's last minute withdrawal of its protest, hurt the POA and the community's attempts to fight the water application. Mr. Hackbusch emphasized the POA would not have agreed to concessions of any kind if they had known the Applicant was planning to export critical water resources from the Valley. He requested the Commission uphold the BOA decision.

Mr. Moss read from finding number 4, as shown on page 4 of the staff report: "issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area." He pointed out it was the position of the Sierra Ranchos POA that there would be a detriment to the surrounding area and to the property owners.

Jim Noss, President of the Rancho Haven Property Owners Association, stated the Association had 402 property owners, over 300 residents, and was opposed to the water mining project. He indicated the Association specifically delineated a greenbelt in its original declarations in the 1970's, in order to support wildlife migration through the area. He noted there was no evidence to show the two Basins were not tied together. After the expected 20 to 30 foot drop in the aquifers, he stated there would be no surface streams and no surface animal food, and the springs would either die or move. He pointed

out a lot of people and animals would be affected. He referenced the BOA's concern related to the public health, safety and welfare, questioned whether the Applicant was a contractor or a utility, and suggested there were too many unknowns associated with the project.

Mike Dikun, President of the Northern Nevada Citizens for Water Conservation, spoke in opposition to the special use permit. The organization submitted an opposition brief to the Commissioners dated May 7, 2009, along with supporting documentation. He addressed items 1 through 6, as shown in the Appeal of Decision Application submitted by the Applicant on March 4, 2009. He suggested the project could not be approved without violating Washoe County's Development Code Section 110.810.30, Article 4 (issuance not detrimental), the project did not meet the requirements of the Regional Plan, and the project was not environmentally sound. He noted the stipulation agreed to between the County and the Applicant the night before the State Engineer's hearing left the residents of Red Rock Valley with no time to prepare their own protest. He questioned whether the Applicant was a private developer or a public utility, and whether TMWA would actually buy the water. He pointed out there was no longer enough growth anticipated to provide a need for the water exportation project. He displayed photographs, which were placed on file with the Clerk, showing boarded up homes from a subdivision on Military Road in Lemmon Valley.

Paula Banks stated her property bordered the Redrock Valley Ranch and would be one of the first to experience detrimental effects if the special use permit was approved. She said the level of her 180-foot well could be expected to drop by 98 feet within five years, the land would be a dustbowl with no vegetation, and she would be looking at large water tanks surrounded by barbed wire from her kitchen window. She noted the County's stipulation and withdrawal of its protest left the residents of the Valley with no defense at the State Engineer's hearing.

Abbey Smith indicated several protests were filed before the State Engineer. She read several excerpts from State Engineer's Ruling #5816: "For the Protestants, it was indicated before the hearing that only Washoe County would be attending for the purposes of presenting evidence and testimony and to cross examine the Applicant's witnesses... Protestant Washoe County withdrew from the hearing process and was not present on the day of the administrative hearing... For the remaining Protestants, some were present in the audience and added public comment at the end of the hearing... The State Engineer concludes that the protests to the applications were not supported by any substantial evidence or testimony, and the Protestants either chose not to attend the administrative hearing or chose to attend only for the purpose of giving public comment; therefore, the protest claims are dismissed."

Brian Smith talked about problems with domestic wells going dry in various parts of the County, although each area's water plans had been studied and approved by the State Water Engineer. He pointed out there were findings in the Water Engineer's ruling that questioned the validity of the Applicant's data 32 times. He

discussed six specific concerns found in the ruling, and asked the Commission to provide more time for accepted science to properly determine the Basin's perennial yield.

Jack Keely placed a copy of his written comments on file with the Clerk. He questioned the division of the Red Rock Hydrographic Basin into Basins 99A and 99B. He suggested fractures in the granitic ridge dividing the Basins would allow the migration of groundwater, resulting in lower levels in the west Basin from pumping on the east side. He stated the only way to obtain valid data was to drill monitoring wells prior to pumping of the east Basin, and indicated such monitoring should be done by an independent unbiased agency.

Mel Fraley placed documents and written comments on file with the Clerk. He displayed a summary of water applications submitted to the State Engineer by the Applicant, including five new applications in addition to those already approved. He discussed the details of three of the applications. He questioned whether some of the applications amounted to an interbasin transfer of water between Basin 99A and 99B, and should therefore require additional study by the State Engineer.

Mike Crosthwaite placed documents and written comments on file with the Clerk. He said he noticed the level on his static well drop each time an alfalfa field on the Redrock Valley Ranch was watered. He discussed his investigation into the number of active water permits for irrigation and municipal use. He expressed concern that the system was self policing and there was nothing to stop well owners from taking more than what was allocated to them or from misreporting their well monitor readings.

Julie Garand, Ruth Chaffee, Roberta Moose, Heather Benjamin and Lisa Dalman spoke about the negative environmental impacts of the anticipated drawdown of water from the proposed Red Rock Pipeline. They each displayed several photographs and documents, which were placed on file with the Clerk. They talked about the Valley's water features, greenbelt wetlands, wildlife, raptors, wild grasses and native plants.

Ms. Garand noted the North Valleys Development Suitability map designated the area as potential wetlands. She suggested a wetlands delineation study and Army Corps of Engineers certification were required under Policy NV.18.6 of the North Valley's Area Plan (NVAP). Ms. Chaffee indicated the greenbelt wetlands would be left dry, and grazing income would be lost because there would be no grass. She read from Goal Thirteen of the NVAP: "Public and private development will respect the value of wildlife and wildlife habitat to the community." She pointed out Policy NV.13.1 required that the Nevada Department of Wildlife (NDOW) be given an opportunity to provide conservation, preservation or other wildlife and habitat management input to the project.

Ms. Moose referenced the following excerpt from the Conservation Element of the Washoe County Comprehensive Plan: "A diversity of wildlife species plays an important role in the health of the environment, and the key to maintaining this diversity is to preserve the lands that make up their habitats." She stated disruptive changes to the ecosystem could have domino effects on the rest of system. For example,

removal of sage and bitterbrush communities would eliminate feed and cover for rabbits, which were in turn food for bobcats, hawks and eagles. She listed numerous wildlife species that called the Red Rock Valley home, including the pronghorn antelope, which fed on bitterbrush and was acknowledged in the Conservation Element as being close to extinction in Nevada. She said the Valley was a corridor for one of the largest migratory herds of mule deer in Nevada. Ms. Benjamin identified several species of birds and raptors known to be in the Valley, and commented many of the species were protected by federal and State laws. She stated the Conservation Element acknowledged sage grouse as a species of special concern, and pointed out the species used the southern part of the Valley for their winter habitat. She indicated there was a possibility the federally endangered Carson Wandering Skipper butterfly had been sighted in the Valley, as well as several different species of frogs and toads that might be on the endangered species list.

Ms. Dalman talked about wild grasses and native plants in the Red Rock Valley that offered food and shelter for local wildlife, and acted to conserve soils from erosion. She observed the State Engineer found in his ruling that the Applicant did not correctly account for local plant requirements that also needed the Valley's groundwater. She displayed a printout from the Nevada Natural Heritage Program, which showed the results of a database search for plant and animal taxa within a five kilometer radius of the project's hydrobasin that were classified as endangered, threatened, candidate or at risk. She observed invasive and noxious weeds were noted in the Conservation Element to be a growing problem without native plants to keep their populations under control. She pointed out there were a significant number of agriculture-related businesses in the Red Rock Valley. She referenced language in the Conservation Element indicating that the continued role of agriculture in the County's economy would depend on the degree to which farmlands and rainlands were preserved.

Jennifer Sisco stated Policy NV.11.3 of the NVAP specified that the granting of special use permits in the North Valleys was to be accompanied by a finding that no significant degradation of air quality would occur, and that input from the Air Quality Division of the Department of Health would be sought in the implementation of the Policy." She read the following statement from State Engineer's Ruling #5816: "The water will be stripped from the land and the land will be dry." She noted there would be an increase in dust pollution as plants died and erosion increased, and pointed out no air quality study had been requested by the Applicant or done by the Department of Health.

Carol Lloyd expressed concern about the threat of toxic chemicals from disinfection of the water that would take place at the Redrock Valley Ranch wellhead. She questioned what kinds of disinfectant would be used, and raised several questions as to the safety issues related to sodium hypochlorite or chlorine gas.

Tamara Erickson indicated she was a nurse. She characterized the County Commissioners as caretakers for the people and residents in their communities. She asked the Commission to adopt the guiding principle of "do no harm" as they gathered

information and applied it to what was best for the communities and residents that defined Washoe County's quality of life standards.

Shaun Gilbert displayed a newspaper article regarding summer forecasts for the 2009 wildfire season, which was placed on file with the Clerk. He indicated he had a lease on the ponds at Ross Creek Ranch, where he taught fly fishing and did bucket work under agreement with the Bureau of Land Management (BLM). He noted Rancho Haven had been classified as a high fire hazard area due to topography, vegetation, distance from firefighting crews, and limited water resources. He discussed the importance of having water in the ponds to refill brush trucks and supply helicopters in the event of a fire. He stated the Valley's greenbelt had been important in stopping the spread of past wildfires. He pointed out the loss of vegetation would allow cheat grass, which was highly flammable, to become the invasive species and there would be an increased risk of losing homes during a wildfire.

Therese Ure, an attorney with the Schroeder Law offices, spoke as the representative for Dave Stix and Louis Damonte of D/S Ranches. She placed a letter on file with the Clerk containing their objections to the project. She explained there were federal grazing permits owned by D/S Ranches at Red Rock that were dependent on groundwater to support their livestock. She noted the permits could be subject to cancellation if water availability was diminished. She stated the proposed pipeline would have the cumulative impact of draining the groundwater table and dewatering the Basin, and the pipeline itself would destroy the vegetation in its path and ruin the natural grazing patterns of the livestock. She indicated most of the domestic wells in the Valley were artesian, meaning they did not require pumps and the groundwater table was very high. She said the economic impact to D/S Ranches would include the loss of the grazing permit, the cost of removing livestock to alternate locations, the employee costs to remove and transport livestock, and the unlikelihood and difficulty involved in finding alternate pastures. She recommended the Commission uphold the BOA decision to deny the special use permit.

Scott Dalman placed a copy of his written comments on file with the Clerk. He objected to the proposed pipeline on the basis there was no need for transferring the water. He indicated there was unused water available through the Fish Springs (Vidler) project, as well as through unused Truckee River water rights. He stated the special use permit was inconsistent with Policy NV.1.3 of the NVAP, which stated new land use capacity was not to exceed 85 percent of each Basin's sustainable yield. He indicated Basin 99B would be at 100 percent of its sustainable yield if the Applicant was allowed to pump 855 acre feet of water. He noted the Applicant's amended agreement with TMWA carried no obligation for either of the parties to buy or sell.

Steve McGuire stated the proposed project was not consistent with Policies NV.20.1, NV.20.3(c) and NV.20.4, which related to implementation of the Vision and Character Statement for the NVAP. He indicated the proposed project did not comply with the section of the Washoe County Development Code that required a finding of no detriment.

Judy Thomas opposed the special use permit on the grounds it was not consistent with the NVAP Vision and Character statements requiring the management of growth and development in a manner that respected private property rights, minimized the negative impact on the character of the communities, and was community serving in nature. She pointed out there were CC&R's that did not allow commercial operations within the Sierra Ranchos, the drawdown on domestic wells would have a tremendous detrimental effect on the community, and property values would plummet.

Steve Wenzel submitted an opposition brief to the Commissioners dated May 7, 2009, along with supporting documentation. The brief was submitted on behalf of the Northern Nevada Citizens for Water Conservation. He talked about the conclusions of Tom Myers, a hydrologist hired as an expert by the citizens' group. He noted Mr. Myers concluded the project would transfer irrigation water rights from the Red Rock Valley, would dry up wetlands, sub-irrigated meadows, springs and streams, would lower the water table, and would harm well owners by causing increased lift to decreased yield. He questioned the splitting of the Hydrographic Basin, which had never been done before. He noted consultant Carter Schleicher was also hired by the citizens' group and concluded there would be devastating impacts to the Valley, to the people and their lifestyle, and to the wildlife and plant life.

Lynn Pieren displayed photographs of two TMWA pumping stations, which were placed on file with the Clerk. She indicated she received no notification of the project, although she lived next door to the proposed booster pumping site. She objected to the placement of a commercial pumping station on a residential lot. She stated the pump and its diesel generator would produce noise and vibration that would discourage birds and wildlife, and harm her fainting goats. She observed she had already lost equity in her home and would not be able to sell without disclosing plans for the pumping station.

Carol Hoeft described the Red Rock Valley, where there were raptors, marsh birds, antelope, deer, mustangs, and wetlands buzzing with new life. She said there were no gas stations, no violence, and no major crime. She commented the Commission was voting on the water and the lives of those in the community, and urged them to deny the special use permit.

Colton Jeppson indicated he lived next to a natural pond. He said a professional well study and inspection was done on his property in 2007, in response to inquiries from an interested buyer who never followed up and never provided a copy of the well report. He explained the study took place during the wet season in March, when standing water levels were high. He noted the readings would not have been accurate for the Valley's water levels because the standing water generally dried up later in the summer. He pointed out he would probably have to re-drill his well if the project was approved.

Lynette Preku indicated she previously served on the Washoe County Planning Commission and the Regional Planning Commission. She described the proposed project as a backdoor attempt to get the water first and open the way for a future major project. She pointed out that Washoe County and the local utilities did not provide services to the Valley. She stated water came from private domestic wells, utilities come out of California, and telephone service came out of Idaho. She noted the cell phone service was nonexistent in some areas, and residents had to be very careful about planning for emergencies and calling in fires. She said there was a terrific volunteer fire department and the fire service jurisdictions worked hard to preserve all of the homes in the Valley. She asked the Commission to look carefully at the project and to deny the special use permit.

Mitchell Boltz indicated he lived directly across the easement from the proposed project. He indicated the Applicant planned to mitigate the appearance of their proposed well houses by using native plants. He commented he was not aware of any native plants that grew 10 to 12 feet high. He observed the site of the well houses was in an alfalfa field, and the use of desert plants would cause them to stick out like a sore thumb. He stated it did not appear the Applicant had obtained or tried to obtain easements for the property at the terminus of the pipeline, but planned instead to use an alternate route. He discussed calculations for the amount of available water, and suggested there was an insufficient supply to provide 855 acre feet.

Doran Simonson stated his children were able to pick wildflowers on the family's property every Mother's Day. He asked the Commission not to take that privilege away from them.

Dana Bratcher said the mindset behind the proposed project was similar to what got the nation into its current financial and environmental chaos. She commented she was optimistic the Commission would make a higher choice in denying the project to ensure the water resources for the fragile ecosystem the residents called home.

David Miller indicated he owned one of the largest alpaca herds in Nevada. He expressed concern that he would lose his pastures, and that his animals would be stressed by noise and vibration from the surge pump that would be placed across the street from his property. He observed the surge pump was not allowed in the neighborhood's CC&R's.

Mary Tengbey said she came to Nevada for peace and quiet. She indicated she and others would move if the project was approved. She noted the Valley was at the bottom of a bowl and, once it was empty, it would remain empty.

Craig Lafferty identified himself as a resident of California. He observed ranchers and property owners in many areas were receiving inquiries about purchasing their property for large sums of money, although the real intent was to gain access and determine how much water was available. He commented it was not just the Red Rock Valley, but that people in many areas were fighting for their water.

Beth Honebein noted Policy LUT.28.2 of the County's Land Use and Transportation Element required the involvement of residents and other stakeholders in the review of future growth and new developments. She talked about the Owens Valley, a rural valley in Eastern California that allowed a similar water exportation project approximately 75 years ago, resulting in hundreds of farmers and ranchers having their livelihoods destroyed. She stated the County's ten-year growth bubble had burst, and the region was left with abandoned developments, unpaid property taxes and people walking away from their homes. She suggested new development based on imported water would continue the financial chaos and requested the Commissioners deny the appeal because it would damage the economy and the environment.

David Von Seggern spoke on behalf of the Sierra Club. He mentioned a past decision made by the Commission, and stated they had the discretion to decide whether beneficial use of the water was outweighed by the detriments to the community. He requested denial of the special use permit.

Tina Mudd identified herself as a land use planner and resident of Washoe County. She said she was not against growth, but was against interbasin water transfers and against what was done to the community financially by the explosion of development over the last five or ten years. She asked the Commission not to replicate the financial crisis in the form of an environmental crisis. She pointed out the Valley's ecosystem and rangeland provided agricultural and economic resources, as well as recreational resources.

John Preku stated there was enough water available for Lemmon Valley from other sources. He talked about the Owens Valley, where his father showed him the area that used to be a beautiful valley with ranches until the water was drained for use in Los Angeles. He suggested water estimates in the Red Rock Valley needed to take into account the number of unimproved lots that might be developed in the future.

Tom Myers said he was an independent consultant who testified as an expert witness before the State Water Engineer on four previous occasions. He indicated he reviewed the State Engineer's ruling, as well as the hydrology and wetlands reports used by the Applicant to support their water rights transfer, and prepared a report that was available in the record. He stated his report concluded the proposed exporting of water would substantially dry up the springs and wetlands, and would be quite detrimental to the current residents and character of the Valley. He explained the State Engineer did not rule the water should be exported, but that Nevada law might allow it. He indicated Nevada water law required a perennial yield calculation to capture the water that was currently being wasted, and wetlands and springs were not protected unless they had a water right. He noted the proposed project would move the negative impacts of over-pumping from Lemmon Valley to Red Rock Valley.

Carter Schleicher stated he was a natural resource consultant contracted by the Northern Nevada Citizens for Water Conservation to review the Environmental and

Public Interest Report prepared for the Applicant by Huffman & Carpenter, Inc. He indicated it was his opinion there would be a detriment to the community with a lowering of the groundwater. He said it was difficult to make a determination because there was not enough data to support the Report's conclusions that there would be no adverse effects on endangered species, vegetation or wildlife.

Helen Mooney told the story of an old Hindu proverb, in which five blind men were asked to examine different parts of an elephant. They each came away with a very different, yet very accurate description of what they felt and what they saw. She said the story was akin to what was happening, in that several different agencies looked at different parts of the process and drew different conclusions because no one was looking at the whole elephant. She asked the Commission to look at the project in its entirety.

In rebuttal, Mr. Mollath reiterated the Applicant's position that approval of the special use permit was separate from the water issues under the purview of the State Water Engineer. He discussed the Serpa Case, in which the Court held it was necessary to be consistent with the Regional Plan and the Master Plan. He referenced page 11 of the January 9, 2009 Amendment to the Comprehensive Regional Water Management Plan (Exhibit 3 of the Appeal Application), and asserted the pipeline project had already been folded into the Regional Plan. He suggested denial of the special use permit would be inconsistent with the Regional Plan. He noted the County had been a party to the State Engineer's decision process, and was bound by the terms of the stipulation it entered into at that time. He requested the appeal be sustained, the decision of the BOA be reversed, and the Applicant be allowed to build the pipeline facilities.

9:01 p.m. Chairman Humke declared a brief recess.

9:36 p.m. The Board reconvened with all members present.

Commissioner Larkin asked for more information about the project's relationship to the Comprehensive Regional Water Management Plan. Jim Smitherman, Program Manager for the WRWC and the Northern Nevada Water Planning Commission (NNWPC), explained the Redrock Valley Ranch LLC pipeline was recognized as a proposed water importation project in the 2009 Amendment to the Regional Water Plan. He noted the number of acre feet referenced in the Plan corresponded to the amount of water originally requested before the State Engineer, rather than what had been approved. If the special use permit was approved, he stated the Applicant would be required to submit a facilities plan for a review of conformance with the Regional Water Plan. The conformance review would start with the NNWPC and would then be forwarded to the WRWC. Under Chapter 531 of the Nevada Revised Statutes, he indicated the WRWC was the appeal body after a finding of conformance or nonconformance by the NNWPC.

Commissioner Larkin observed the original application to the State Water Engineer requested 5,549.28 acre feet. He noted studies from the 1960's and 1970's had estimated the yield at about 1,000 acre feet for the Red Rock Valley Hydrographic Basin. He requested further explanation of the perennial yield for Basins 99A and 99B. Michael

Widmer, Senior Hydrogeologist for the Washoe County Department of Water Resources (DWR), clarified 1,000 acre feet was a reconnaissance level estimate for the entire Basin that was previously made by the U.S. Geological Survey in cooperation with the State Engineer's Office. He pointed out the re-designation of the Basin into 99A and 99B was done by the Applicant in order to differentiate the west Valley from the east Valley for the sake of discussion, but he did not believe the State Engineer had formally separated the Basins. He stated DWR filed an automatic protest to the original water application because it far exceeded the perennial yield of the Basin. Mr. Widmer said he was asked to lead an effort to work with the Applicant and try to arrive at a consensus as to the available water resources in the Valley. Through independent analysis and sharing of data with the Applicant's consultants, he indicated a consensus was reached that there were adequate water resources to export 1,274 acre feet while still supporting existing homes, existing undeveloped parcels and existing irrigators, particularly in the east Valley. He explained the State Water Engineer's process determined that 855 acre feet could be exported at the current time and, if evidence from a proper monitoring program showed more water was available, then the State Engineer would consider up to 1,274 acre feet for exportation at a later date. He noted DWR stipulated to the monitoring program, but there was no guarantee the Applicant would ever be able to export more than 855 acre feet. Commissioner Larkin asked about the perennial yield for the entire Basin. Mr. Widmer stated the State Engineer's Office and the Applicant's consultants estimated a yield of 1,200 to 2,400 acre feet for the east side of the Basin, but no ruling had been made as to the sustainable yield for the entire Basin. He approximated the yield in the west side of the Basin to be somewhere between 600 and 1,200 acre feet, placing the estimated yield for the entire Basin somewhere between 1,800 and 3,500 acre feet.

Commissioner Larkin questioned the amount of expected drawdown. Mr. Widmer clarified that groundwater modeling was used to produce estimates of 25 to 30 feet of drawdown at the nearest domestic well after 25 years of pumping at 1,274 acre feet. He said he attempted to calculate the drawdown after ten years of pumping at 855 acre feet, and arrived at an estimate of 13 to 20 feet.

Commissioner Larkin pointed out there were other basins in the County that had been over-allocated over the years. He expressed concern about creating a situation such as the one in Spanish Springs, where millions of dollars had to be spent to correct the nitrate problem. He emphasized it was necessary for the Commission to look at the entire policy rather than just a single basin. He wondered whether any assurance could be provided that alleviating one problem in Lemmon Valley would not cause another problem in the Red Rock Valley. Mr. Widmer said he believed there was sufficient water resource to support exportation, as well as the existing residents and irrigators of the Red Rock Basin. He acknowledged there was uncertainty in the magnitude of the impacts, and stated no water quality studies had been undertaken in any of the work with the State Engineer or the Applicant. He pointed out there were few similarities between Spanish Springs and the Red Rock Valley because of the density of the parcels, but said he could not answer factually about water quality issues.

Commissioner Larkin commented the Fish Springs (Vidler) water importation project required an environmental impact statement because it crossed federal land, but there was no equivalent requirement in the State of Nevada for the Applicant's project. Based on his experience with Fish Springs, he said he believed the impact of the Applicant's pipeline and facilities to be minimal. He wondered if Mr. Widmer had any thoughts about additional reports the Commission could require of the Applicant to provide a better analysis as to the drawdown and its environmental effects. Mr. Widmer estimated there would not be a significant drawdown if the project moved forward, and most of it would occur at the Valley floor. He explained domestic wells had a 50-foot sanitary seal and were at least 70 feet deep if they were constructed properly, so a drawdown of 30 to 35 feet should not be a problem for domestic well owners. He said they could have lower pumping levels, and he did not know what 30 to 35 feet would translate to in annual costs. He stated he had not studied how the decline in water level would affect springs, but understood that most of the springs were well above the Valley floor and were recharged from precipitation. He noted the proposed pumping was from groundwater that was trying to discharge. Commissioner Larkin commented that water importation projects were necessary to sustain growth in the Truckee Meadows and some of its outlying valleys. He said the Fish Springs project should act as a model for setting policy with respect to importation projects in Washoe County, and environmental analysis was an important part of the policy to make sure secondary problems were not created.

Commissioner Weber asked whether any of the 8,000 acre feet of water from the Fish Springs project was currently being used. Mr. Widmer observed the County owned the facilities, but Vidler owned the water. He indicated he was not involved in operations, but was not aware of any commitments for DWR to serve customers with water from the Fish Springs project. Commissioner Weber wondered how much development it would take to use up 8,000 acre feet of water. Mr. Widmer replied at least 16,000 homes could be served.

Commissioner Breternitz wondered what effect a 35-foot drawdown would have on the wetlands and sub-irrigated areas. Mr. Widmer pointed out that wetlands and lakes were a surface expression of the water table, so dropping the water table 35 feet would cause wetlands to dry up. He noted it was a question of whether the vegetation in the wetlands areas could survive on the available precipitation.

Commissioner Breternitz questioned what mitigation measures or guarantees were proposed by the Applicant to ensure no detrimental effect on the public health, safety and welfare, improvements of adjacent properties, or the character of the surrounding area. Rob Winkel of Redrock Valley Ranch LLC stated a well mitigation plan would be developed as required by the State Engineer's ruling. Commissioner Breternitz asked whether potentially affected landowners would have a part in the development of such a plan. Mr. Winkel indicated the plan would go through the State Engineer's process.

Commissioner Breternitz wondered whether the well mitigation plan included aspects such as the effect on neighboring properties, or comments related to wetlands or sub-irrigated pastureland. Mr. Winkel noted an extensive public interest report related to such issues had been prepared, was part of the evidence presented to the State Engineer, and was relied on in the State Engineer's ruling. Commissioner Breternitz commented the issue was confusing because the reports provided by the property owners were not in agreement with those provided by the Applicant.

Commissioner Jung asked what funds the Applicant was required to place in bond or holdings in the event someone's well went dry because of the pipeline. She wondered whether there was a requirement to guarantee recourse to the property owners or mitigation for impacts to the wetlands. Mr. Winkel said he was not familiar with the bond requirements. Mr. Mollath clarified there was uncertainty about such requirements because the Applicant was not yet at the point of fulfilling the State Engineer's conditions.

Chairman Humke observed Mr. Widmer worked for DWR. Mr. Widmer replied he had worked for DWR for 28 years. Chairman Humke noted the protest to the original application before the State Engineer was filed automatically. He requested more details about the County's subsequent stipulation and withdrawal of the protest. Mr. Widmer indicated, in previous cases when protests had been filed, DWR developed its own analysis and data, and then argued with the applicants before the State Engineer about impacts. He said it had been his suggestion to share data and closely review the Applicant's work in this case so that both parties could have a full understanding of the data and analysis that was available. He explained his office initially could not find agreement with the work being done by the Applicant's consultants, until the Applicant obtained new consultants who seemed to have a better understanding of the scientific methodologies and results. He stated DWR and the Applicant's consultants reached concurrence about the resource analysis about two to three months before the State Engineer's hearing. Chairman Humke wondered why DWR entered into a stipulation the day before the hearing. Mr. Widmer said the stipulation was developed by his office a few months prior to the hearing. He indicated signing of the stipulation was between the District Attorney's office and the Applicant, and he did not know why it took more time to come to an agreement. Chairman Humke asked whether the State Engineer entered into stipulation negotiations. Mr. Widmer said not to his knowledge. Chairman Humke questioned whether the State Engineer or his staff encouraged DWR to stipulate. Mr. Widmer said they did not. He indicated everything about the process was well above board, although the State Engineer had personnel in the field and participated in verification of the data on the ground.

Chairman Humke referenced remarks made by Lynn Pieren during public comment that the proposed pumps would emit sound levels at 25 decibels. He asked whether any noise testing had been done by experts. Ms. Pieren said she asked experts about the sound level based on information provided by her son, who was somewhat of an expert. She indicated an engineering expert told her the generator would have to be run occasionally in order to ensure it would work when the power went out. Chairman

Humke asked whether she knew what size or capacity of generator would be used. On behalf of the Applicant, Ms. Lindell stated there were over 105 booster pump stations located in residential areas around Washoe County. She noted the proposed pumps would be located inside of a building, and the Applicant would comply with all noise requirements or add extra insulation as necessary to mitigate the noise. Karl Matzoll with Redrock Valley Ranch, LLC indicated the Applicant would comply with all County ordinances. He stated one would not be able to hear the pumps running from outside of the pump house. He noted the diesel generator engines necessary to provide a redundant power source would be about 350 to 400 horsepower, and would be run about once a month. He acknowledged the generator would be located outside of the building.

Chairman Humke wondered whether the facilities would be operated by the Applicant or by TMWA. Mr. Matzoll stated the Applicant would design and build the pump houses, pumps, generators, wellheads and pipeline, test them to make sure they worked properly, and then dedicate them to TMWA. He indicated TMWA would operate the facilities.

Chairman Humke asked Ms. Pieren to respond to Mr. Matzoll's comments. Ms. Pieren observed the Valley's power company was in Plumas County, California. She said most of the residents had their own generators because of frequent power outages, which occasionally lasted a full day. Chairman Humke wondered whether she had a generator on her property. Ms. Pieren indicated she had a small generator that could be heard throughout the house when it was running, although she did not know its capacity. Chairman Humke questioned what effect she thought a 350 or 400 horsepower generator might have on her life. Ms. Pieren stated her son told her it would sound like a jet engine starting up. She pointed out the picture she displayed earlier did not include the fencing and razor wire for the proposed facilities. Ms. Lindell commented there would be no razor wire. She pointed out the facilities would be inside of a 900 square foot building located on a ten-acre parcel.

Commissioner Larkin remarked that the Fish Springs project had included an Environmental Impact Study (EIS), and Fish Springs was supposed to have been the template or model for all subsequent importation projects. He questioned why similar studies had not been incorporated into the County's process for other importation projects. Adrian Freund, Director of Community Development, indicated there had been a level playing field with respect to the application of the County Code and the special use permit process for the Red Rock Pipeline project. He noted the Fish Springs project had been subject to federal requirements that mandated a great deal more information. He observed the County handled both projects the same way, except that consideration of special use permits had recently been moved from the Planning Commission to the BOA in order to balance workloads and save costs. He pointed out there were numerous conditions included from various reviewing agencies, including the Nevada Division of Wildlife. Commissioner Larkin stated the Commission was at a disadvantage because there were no environmental reports to evaluate the water importation project. He observed there was anecdotal data provided by the citizens, but no credible empirical data that clearly articulated the impacts on local ecosystems, water quality, and other

standards identified by the National Environmental Policy Act. Ms. Lindell pointed out an extensive environmental and public interest study and report was submitted by the Applicant as part of the State Engineer's process. She noted the State Engineer received the report and made a finding that there was no unreasonable adverse effect on present or future wells. She indicated the studies were not part of the County's process.

Commissioner Weber requested more clarification. Ms. Lindell explained part of the pipeline project would cross BLM land, so an environmental assessment was necessary to get the required permits. She noted there were different levels of analysis, and the one required by the BLM was an environmental assessment but not a more detailed EIS. Mr. Dikun of the Northern Nevada Citizens for Water Conservation pointed out the study required before BLM would grant an easement pertained to a very short length of pipeline that would run adjacent to BLM land, but had absolutely nothing to do with the issues the citizens were concerned about. Chairman Humke observed the reports provided by Mr. Dikun's organization seemed to deal with impacts from the withdrawal of water rather than impacts from the installation of the facility. Mr. Dikun agreed. He confirmed for Chairman Humke that the May 2009 reports were prepared for the appeal hearing before the County Commission. Commissioner Larkin asked whether the environmental assessment provided to the State Engineer was included in the materials provided to the Commission. Ms. Lindell said she did not believe so.

Chairman Humke wondered whether the proposed project met the test set out in the Serpa case for land use decisions, whereby health and welfare considerations and basic police powers could allow Washoe County to make a ruling that might affect water or the work product of the State Engineer. Ms. Foster said she agreed with the opinion that was provided by Mr. Edwards when the special use permit was before the BOA. She explained Mr. Serpa had argued the County was precluded from refusing his application because the State Engineer possessed exclusive authority to control water rights, but the Supreme Court went on to say "there is no State law indicating that the ruling of the State Engineer preempts the County or other governmental entity from enacting zoning laws that impose limitations on water use that are more restrictive than those of the State Engineer. As we discussed above, Nevada law directs county and local governments to administer water use and regulate land development in accordance with a long-term comprehensive plan. County and local governments can place more burdensome restrictions on growth and development, as long as those restrictions are consistent with elements of long-term comprehensive plans, Nevada law, and notions of public welfare." Ms. Foster said that was the reason the District Attorney's office disagreed with Mr. Mollath's interpretation of the case, and she joined in that disagreement.

Chairman Humke asked whether it was a relevant factor that Washoe County had its own water resources department, which was somewhat unusual in the State of Nevada. Ms. Foster said she did not know whether that was a factor, although the Commission was lucky to have a level of expertise among the staff that would allow them to get more questions answered. As a water purveyor, she acknowledged the County had an interest in the orderly progression of the distribution of water. She pointed

out the Commission's main function in the case before them involved their police power function, their responsibility to the citizens of the County, and their responsibility to protect the health, safety and welfare of the citizens. She noted that was a huge policy concern and was the basis upon which the Supreme Court found in Serpa that local governments had the ability to make such decisions. Mr. Mollath said he did not disagree with Ms. Foster that the Board could take water issues into consideration. He observed there were factors that distinguished the pipeline project from the Serpa Case. He indicated the conditions that allowed the County to impose more stringent regulations than the State Engineer's office did not exist because local County water engineering staff already had input into the State Engineer's decision, the considerations set forth by the SVAP in the Serpa case were different from the ones related to the pipeline project, and there was a State Engineer's ruling that had become part of the Regional Plan.

Ms. Foster said, in addition to the Commission's options to confirm or overturn the BOA decision, the Commission also had the ability to modify the action taken by the BOA or to impose different conditions.

Chairman Humke disclosed previous conversations with Charles McGee, Esquire, as well as with John Metzger and Henry Rolling. He said he had discussed water issues with those individuals sometime around 2006 or 2007.

Commissioner Larkin suggested each of the Commissioners make comments before a motion was formulated.

Commissioner Larkin remarked there was a lack of information on which to make finding number 4 on page 4 of the staff report, which indicated issuance of the special use permit would not be detrimental. He indicated the proposed project appeared to be a good project because it would create competition in Lemmon Valley and lower water prices there. He stated there was a lot of anecdotal information but no empirical data. He said it was difficult to reverse the BOA with a lack of information. He noted the Commission's decision would set policy, and he did not find the project in conformance with the policy articulated to staff with the Fish Springs project.

Commissioner Jung agreed with Commissioner Larkin's comments about policy direction to staff. She said she believed there was a preponderance of evidence that issuance of the permit would be detrimental to the inhabitants of the Red Rock Valley. She indicated noise and vibration from the pumps and generator would be detrimental, as well as being injurious to property improvements. She observed the owner of D/S Ranches was one of the largest cattlemen in Nevada, and she believed it was important to have local sustainable ranching and farming. She noted deer fencing and a deer underpass had been provided in the area by the federal and State governments, indicating substantial public interest and tax dollars were already at play. She stated the project would be injurious to the character of the surrounding area. She pointed out the residents made a sacrifice to preserve the character of their surroundings, knowing it was a two-hour round trip every time they came into town for goods or services. She suggested all of the property owners should add all of their names and addresses to the public records for

property they owned in common. She stated she could not make a finding of no detriment.

Commissioner Breternitz observed much of the information he had heard and read was conflicting. He agreed with Commissioner Larkin that the project itself would be beneficial by creating some competition for water, and said he did not believe there were problems with the physical aspects of the project. He indicated the impacts and environmental issues were concerning, and he could not make finding number 4 at the current time.

Chairman Humke said Commissioner Larkin presented an interesting case, but he believed findings could be made that the issuance of a permit would be detrimental to citizens. Either way, he stated the Commission was unable to make finding number 4.

Commissioner Weber said she believed every property owner in the area had the right to receive notice. She pointed out the large lot sizes meant many of the affected residents were not within 500 feet. She made a motion to deny the appeal, which was seconded by Commissioner Jung. Commissioner Weber went on to explain she believed the pipeline would negatively affect the wetlands and springs, the native plant growth, wildlife habitat, agriculture and grazing rights, and the character of the community and the surrounding areas. She noted the residents chose to move to an area where they drove an hour to get to their properties because they desired their lifestyle. She stated the negative impacts would be detrimental to the property owners, to their health and welfare, and to their property values.

Commissioner Larkin questioned whether Commissioner Weber's motion included negative findings. He said he could not support making negative findings because there was no empirical data presented. Ms. Foster indicated she took Commissioner Weber's comments to be the reasoning behind her motion, but the motion itself was the language set forth in the staff report. Commissioner Weber confirmed her motion was the one in the staff report.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, the Board of County Commissioners ordered denial of the appeal and affirmation of the Board of Adjustment's denial without prejudice of Special Use Permit Case No. SB08-023, based on the inability to make the following finding:

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area."

09-495 **AGENDA ITEM 30 (PUBLIC HEARING) – DEPARTMENT OF WATER RESOURCES**

Agenda Subject: “Proposed Amendment to the Boundaries of Washoe County Nevada District No. 24 (Central Truckee Meadows Remediation District), which is a district for remediation of groundwater. (All Commission Districts)

Hold Public Hearing to consider all comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District (Central Truckee Meadows Remediation District).”

10:58 p.m. Chairman Humke opened the public hearing.

Chris Benedict, Program Manager for the Department of Water Resources, explained the agenda item was an action taken annually to amend the existing remediation district ordinances to accommodate changes in the service area boundary and recalculate the fee based on the number of parcels that contributed to the fee and the program’s budget.

There was no response to the call for public comment.

09-496 **AGENDA ITEM 30 (ORDINANCE AMENDING BOUNDARIES) – DEPARTMENT OF WATER RESOURCES**

Agenda Subject: “Proposed Amendment to the Boundaries of Washoe County Nevada District No. 24 (Central Truckee Meadows Remediation District), which is a district for remediation of groundwater. (All Commission Districts)

First reading of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. (Second reading and adoption to be set for June 9, 2009.)”

Amy Harvey, County Clerk, read the ordinance title for Bill No. 1586.

Bill No. 1586, entitled, “**AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING OTHER MATTERS RELATING THERETO**” was introduced by Chairman Humke, the title read to the Board and legal notice for final action of adoption directed.

09-497 **AGENDA ITEM 30 (ORDINANCE IMPOSING FEE) – DEPARTMENT OF WATER RESOURCES**

Agenda Subject: “Proposed Amendment to the Boundaries of Washoe County Nevada District No. 24 (Central Truckee Meadows Remediation District), which is a district for remediation of groundwater. (All Commission Districts)

First reading of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada, District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Second reading and adoption to be set for June 9, 2009.)”

Amy Harvey, County Clerk, read the ordinance title for Bill No. 1587.

Bill No. 1587, entitled, **“AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA, DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO”** was introduced by Chairman Humke, the title read to the Board and legal notice for final action of adoption directed.

09-498 AGENDA ITEM 32 – CLOSED SESSION

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

The Board held no Closed Session.

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11:01 p.m. There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Larkin which motion duly carried, the meeting was adjourned.

DAVID E. HUMKE, 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*

Resolution of Recognition

WHEREAS, The American Red Cross has long provided emergency assistance to families affected by disaster both in Nevada and the country; and

WHEREAS, The Red Cross of Northern Nevada has 101 local Red Cross volunteers that served 1,112 days providing almost 13,344 hours of service on 11 disasters across the U.S.; and

WHEREAS, In 2008, **14,900** individuals learned lifesaving skills through classes offered by Red Cross certified instructors throughout Northern Nevada; and

WHEREAS, The Red Cross provides crucial emergency communications to military families and service-members worldwide; and

WHEREAS, The Red Cross of Northern Nevada has provided immediate assistance in both the Fernley levee break and the Wells earthquake; and

WHEREAS, Between July 1, 2007 and June 30, 2008, local Red Cross responded to **119 local incidents assisting 364 individuals** with emergency food, shelter and supplies; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners recognize the achievements of the local Red Cross and appreciates their efforts in helping keep our community safe and assisting residents in times of need.

ADOPTED this 12th day of May, 2009.



David E. Humke

David E. Humke, Chairman

09-453

PROCLAMATION

WHEREAS, Washoe County, Nevada is a community in which 67,000 citizens age 60 or older make their home; and

WHEREAS, Older adults in Washoe County, Nevada and throughout the U.S. are a growing population with evolving needs; and

WHEREAS, Older Americans are valuable members of our society who are rich with experience and deserving of our respect; and

WHEREAS, The number of baby boomers reaching traditional retirement age continues to increase, a fact that spotlights the need for increased attention to the needs of older adults; and

WHEREAS, Our older citizens of today and tomorrow promise to be among the most active and engaged older adult populations in our nation's history;

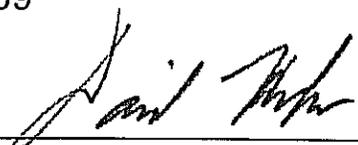
WHEREAS, It is the responsibility of Washoe County, Nevada, and all communities in the United States to work together and prepare for changing older adult populations by modernizing systems of care and providing consumers with more control over their lives; and

WHEREAS, Overall quality of life can be greatly enhanced when supportive communities help their older citizens obtain:

- Evidence-based approaches to making behavioral changes that can reduce risk of disease, disability, and injury;
- The tools to make informed decisions about, and gain better access to, existing health and long-term care options;
- More options to avoid placement in nursing homes and remain at home as long as possible; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that May 2009 is designated as "Older Americans Month." The Board urges all residents of the Truckee Meadows to take time this May to honor our older adults and the professionals, family members, and citizens who care for older adults. We urge all citizens and communities to work collaboratively to strengthen the services Washoe County provides to its older adults in ways that recognize the changing nature of their needs, and that provide older adults with more opportunities to make informed choices about their lives. Our efforts can improve the lives of our older citizens and help pave the way for future generations.

ADOPTED this 12th day of May, 2009



 Chairman, Washoe County Commission

09-454

RESOLUTION

Resolution to rename the Public Works Construction Fund to Capital Improvements Fund and to close/merge the Special Assessment District (SAD) Projects Fund into the Capital Improvements Fund

WHEREAS, in 1979 the Public Works Construction fund was created for Public Works projects; and

WHEREAS, the Public Works Construction Fund is being used for public works, technology services and other County department capital projects; and

WHEREAS, the change in the use of the Public Works Construction Fund will allow for the Special Assessment District Development capital projects to be accounted for in that fund; and

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

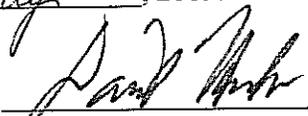
Section 1. That the title of the Public Works Construction Fund be changed to Capital Improvements Fund.

Section 2. That the County Comptroller is hereby directed to close the Special Assessment District Projects Fund and make all appropriate accounting adjustments to close the fund and move any appropriations and current balances to the Capital Improvements Fund.

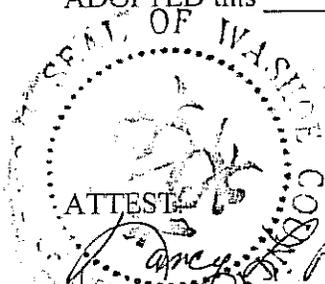
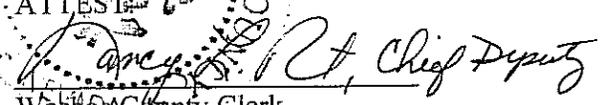
Section 3. This Resolution shall be effective upon passage and approval.

IT IS FURTHER RESOLVED, That the County Clerk is hereby directed to distribute executed copies of the Resolution to the Department of Taxation, the Comptroller, and the Budget Division within thirty days

ADOPTED this 12th day of May, 2009.



Chair
Washoe County Commission


ATTEST


Washoe County Clerk

09-458



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.co.washoe.nv.us

AUTHORIZING RESOLUTION

Resolution authorizing filing of an application with the Regional Transportation Commission of Washoe County, Nevada, for appropriations from the Washoe County Public Transportation Sales Tax Fund (hereinafter referred to as the "Public Transit Fund").

WHEREAS, the Regional Transportation Commission is authorized to award funds for public transportation projects in Washoe County, Nevada;

WHEREAS, it is required by the Regional Transportation Commission in accord with the Policy for Approval of Public Transportation Programs from the Public Transit Fund that all applicants provide sufficient information as requested by the Regional Transportation Commission; and

WHEREAS, the applicant will comply with all reporting and audit requirements, including monthly operating reports, an annual report, and an independent annual audit, if funded from the Public Transit Fund.

NOW, THEREFORE, BE IT RESOLVED BY Washoe County

1. That Washoe County Senior Services is authorized to execute and file (an) application(s) on behalf of Washoe County with the Regional Transportation Commission to aid in the financing of public transportation programs from the Public Transit Fund.
2. That Washoe County Senior Services is authorized to furnish such additional information as the Regional Transportation Commission may require in connection with the application to the Public Transit Fund.
3. That Washoe County Senior Services is authorized to execute grant agreements on behalf of Washoe County with the Regional Transportation Commission for aid in financing of public transportation programs from the Public Transit Fund.

09-461

CERTIFICATE

The undersigned duly qualified and acting as Chairman of the Washoe County Board of Commissioners certifies that the foregoing is true and correct copy of a resolution adopted at a legally convened meeting of the Washoe County Commission held on May 12, 2009.

A handwritten signature in black ink, appearing to read "David M. ...".

Chairman, Washoe County Board of Commissioners

Date: May 12, 2009

A small, illegible handwritten mark or signature in the bottom right corner of the page.

**INTERLOCAL AGREEMENT - RAVEN FIRE TRAINING, MONITORING
AND SUPPRESSION PERSONNEL AND EQUIPMENT**

THIS INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement", is made and entered by and between the County of Washoe, a political subdivision of the State of Nevada, on behalf of the Washoe County Sheriff's Office, 911 Parr Boulevard, Reno, NV 89512, hereinafter the "WCSO", the Sierra Fire Protection District, 4000 Joy Lake Rd., Reno, NV 89511, hereinafter the "SFPD," the Truckee Meadows Fire Protection District, _____, Reno, NV 895____, hereinafter "TMFPD," and City of Reno, as agent for Truckee Meadows Fire Protection District under the First Amended Interlocal Agreement for Fire Service and Consolidation dated July 1, 2004, hereinafter "CITY" and the North Lake Tahoe Fire Protection District, _____, Incline Village, NV 89____, hereinafter the "NLTFPD." SFPD, TMFPD, LTFPD, and CITY as agent for TMFPD may be collectively referred to as the "Fire Districts," and TMFPD and CITY may be collectively referred to as "Consolidated Fire Department." The parties to this agreement also may be referred to as "participating agency" or "participating agencies."

WHEREAS, each of the parties are public agencies and political subdivisions of the State of Nevada; and

WHEREAS, NRS 277.180(1) provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the contracting agencies is authorized by law to perform; and

WHEREAS, the WCSO owns and operates an HH1-H helicopter on which a water tank for fire suppression can be affixed, as well as two OH-58 helicopters which aircraft are suitable for use for aerial observation purposes; and

WHEREAS, the Fire Districts are responsible for wildland fire monitoring and suppression within their respective areas of unincorporated Washoe County; and

WHEREAS, aerial fire monitoring and suppression instituted by the Fire Districts can be done more cost-effectively using the aerial resources of the WCSO; and

WHEREAS, the parties desire that the WCSO respond for the purposes of aerial wildland fire monitoring and suppression for the Fire Districts, which response shall include such mutual training exercises as the parties to this Agreement shall agree are necessary to provide the level of service and margin of safety appropriate for such purposes; and

WHEREAS, the Fire Districts' respective lands all pose fire dangers at times and, therefore, the Fire Districts agree to participate in portions of the administration and costs of the duties and obligations to the WCSO as set forth in this Agreement;

NOW, THEREFORE, based on the foregoing premises and the following covenants, terms and conditions, the parties hereto do hereby agree as follows:

**INTERLOCAL AGREEMENT - RAVEN FIRE TRAINING, MONITORING
AND SUPPRESSION PERSONNEL AND EQUIPMENT**

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1. **TERM:** This Agreement shall commence on March 1, 2009 and shall terminate on June 30, 2010.

2. **TERMINATION:** Any party may terminate this Agreement without cause, solely as to its duty and obligation hereunder, upon 90 days written notice to all other parties. Any party may terminate this Agreement for cause, solely as to its duty and obligation hereunder, after 30 days written notice to the defaulting party (ies) only if the defaulting party (ies) fail to cure the default within those 30 days. The notice shall specify the cause alleged as the basis for said termination. In the event any party terminates this Agreement for cause, the Agreement shall remain in force and effect with other parties who have not taken action to terminate.

3. **AGREEMENT AS TO PERSONNEL AND EQUIPMENT AND OPERATING PROTOCOLS AND PROCEDURES:**

A. Aircraft and Equipment:

1. The WCSO shall provide, when requested, the FIRE DISTRICTS a helicopter, and possibly other aircraft, if made available by WCSO, (hereinafter collectively referred to as "helicopter") for the use of FIRE DISTRICTS for monitoring and fire suppression purposes during fire season. For purposes, of this Agreement, "fire season" shall be defined as commencing as of April 1 and ending as of October 31 during the applicable calendar year. Except as specifically provide otherwise provided in this Agreement, the duties and obligations of FIRE DISTRICTS and WCSO in regard to said Aircraft and Equipment only apply during the fire season as so defined. WCSO as owner of helicopter and shall maintain the helicopter to applicable standards applicable to the allowed uses established by this Agreement, including standards referenced herein, and assure its availability to the Fire Districts during the Fire Season.

2. The helicopter provided shall be configured as follows:

a. A Type 2 helicopter, which aircraft shall be configured to meet ICS 420-1 minimum standards for a Type 2 helicopter, including but not limited to:

- 10 seats, including pilot;
- 2,200 pound card weight capacity; and
- 3,300 gallons of water capacity.

b. Include a fixed water tank capable of two (2) drops per sortie and equipped with a self-filling snorkel device.

3. The helicopter and any other aircraft provided pursuant to this Agreement shall be equipped, maintained and operated under all applicable Federal Aviation Agency (FAA) regulations.

4. The helicopter provided pursuant to this Agreement shall be operated, maintained and secured within the guidelines of the Federal Excess Personal Property (FEPP) Program and its sponsors, the United States Forest Service,

INTERLOCAL AGREEMENT - RAVEN FIRE TRAINING, MONITORING
AND SUPPRESSION PERSONNEL AND EQUIPMENT

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hereinafter referred to as the "USFS" and the Bureau of Land Management, hereinafter referred to as the "BLM."

5. The WCSO shall provide pilots for any helicopter and all other aircraft provided pursuant to the terms of this Agreement and shall be responsibly to assure that such pilots have proper training and adequate supervision to accomplish the allowed uses established by this Agreement.

6. All pilots provided by the WCSO shall have current commercial licenses. For firefighting missions that involve federal lands, the pilots shall also have current permits and approvals (carding) from USFS and BLM for firefighting missions.

7. The WCSO shall notify FIRE DISTRICTS of the schedule for inspections of any of the helicopter, including other aircraft made available, as provided by the WCSO to the FIRE DISTRICTS during the term of this Agreement and allow each FIRE DISTRICTS representative to attend the card review procedures. This inspection is for informational purposes and does not impose any form of duty or liability on Fire Districts to ascertain fitness for purpose or to confirm adequate maintenance has been performed.

8. The WCSO shall also supply, if requested by the FIRE DISTRICTS, and for additional cost, necessary supporting equipment for the helicopter, including but not limited to, an approved fuel-servicing vehicle sufficient to sustain eight (8) hours of helicopter flight under firefighting conditions. The fuel-servicing vehicle shall be inspected by the FIRE DISTRICTS and WCSO shall comply with all fire, vehicle and other applicable codes related thereto. This inspection is for informational purposes and does not impose any form of duty or liability on Fire Districts to ascertain fitness for purpose or to confirm adequate maintenance has been performed.

9. Any helicopter supplied pursuant to this Agreement shall be operated in accordance with the "Interagency Helicopter Operations Guide" (IHOG).

10. The FIRE DISTRICT that requests use of Helicopter shall provide a helicopter manager, either a FIRE DISTRICTS employee or through a cooperative agreement with another agency, anytime a helicopter is requested from the WCSO under the terms of this Agreement.

B. Operations

1. The FIRE DISTRICTS shall appoint a designated helicopter manager for all operations for which a helicopter is requested pursuant to this Agreement. The helicopter manager shall be responsible for the administrative and tactical functions of the aircraft. Although the FIRE DISTRICTS may select a helicopter manager based on its own selection criteria, the FIRE DISTRICTS will consult with the WCSO regarding the Selection.

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2. The helicopters subject to this Agreement will be based at the Reno-Stead Airport. The FIRE DISTRICTS may, at its, option designate alternate bases for temporary operation. The FIRE DISTRICTS shall be responsible for the cost of flight time to and from the alternate base so designated.

3. The FIRE DISTRICTS may have interagency and cooperative-agreements with other local, state and federal agencies and may dispatch the helicopter to supply automatic and mutual aid pursuant to contracts with those agencies. The WCSO consents to the use by the FIRE DISTRICTS of the WCSO personnel and equipment designated in this Agreement pursuant to those agreements for wildland fire monitoring and suppression activities within the County of Washoe. Operations for such purposes outside of Washoe County may not be undertaken without the prior written approval by the WCSO Assistant Sheriff of Operations - or a higher member of the WCSO Command Staff – which approval or denial shall be at the sole discretion of the WCSO. In any event such operations shall not exceed twenty (20) nautical miles beyond the Washoe County boundary lines.

4. In the event that a WCSO helicopter is not available for a response to a FIRE DISTRICTS' request for a fire monitoring or suppression mission due to being utilized by a another agency for fire monitoring or suppression, it will be the responsibility of the FIRE DISTRICTS and the Incident Commander of the fire in which the helicopter is already working, to determine which fire should receive priority for air support.

5. Further operational and related details concerning the parties' performance under this Agreement in regard to said Aircraft and Equipment are set forth in the parties' Aviation Fire Suppression Program Operational Plan 2009 ("Operating Plan") executed contemporaneously herewith. The terms and conditions of this Agreement shall govern and resolve any conflicts between the Operating Plan and this Agreement.

C. Availability As follows:

1. During the Fire Season, and during the duration of this Agreement the helicopter shall be available:

- a. Immediate Response: The helicopter shall be available for immediate response during designated "Red Flag" days. "Red Flag" days shall be defined as those days that the National Weather Service has issued a "Red Flag" warning for any area under the FIRE DISTRICTS' responsibility. For the purposes of this Agreement, the phrase "immediate response" shall mean the helicopter is in flight within fifteen (15) minutes of receipt of the contact by the WCSO from the FIRE DISTRICTS requesting such equipment's dispatch.

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- b. Standby Time: The helicopter will be available five (5) days per week, eight hours (8) per day. The duty hours will be coordinated with the FIRE DISTRICTS to maximize coverage for the critical burn hours. Sunset will be taken into consideration for operational hours as the WCSO will not be qualified to fight fires at night during the period of this Agreement. The "designated days" of the week will be at the discretion of the WCSO. The response time shall be no more than thirty (30) minutes from notification of the WCSO by the FIRE DISTRICTS requesting such dispatch. For "Red Flag" days that fall outside of a designated five (5) day work week, the WCSO shall staff the helicopter for immediate response if requested and for an additional cost as hereinafter set forth.
 - c. The helicopter may be made available each day for recall for hours that fall outside of the WCSO's designated work week hours. This recall status will be available for an additional cost. For the purposes of this Agreement, "recall" shall mean the pilot is being recalled from an off-duty status and will respond to the hangar. The helicopter will be staffed and in flight within one (1) hour of notification of the designated recall pilot.
 - d. Time Schedules: The FIRE DISTRICTS and the WCSO, in cooperation with the other involved fire departments and districts will meet and mutually agree on duty hours prior to the start of the fire season.
2. The WCSO shall provide immediate notification to the FIRE DISTRICT's Chief of Operations of any inability of the WCSO to provide the designated personnel and equipment pursuant to the terms and conditions of this Agreement.
3. The WCSO shall provide all necessary support for continuous, uninterrupted operation of the helicopter whenever required pursuant to the terms of this Agreement. This support shall include, but not be limited to, a staffed fuel truck and other services as required.
4. The WCSO may, at its sole discretion, when so requested by the FIRE DISTRICTS, make an additional helicopter (OH-58) available to the FIRE DISTRICTS for aerial observation. Such additional aircraft is subject to the immediate direction of the WCSO. The FIRE DISTRICTS may, at their discretion, request such additional aircraft on a call-when-needed basis when the FIRE DISTRICTS' incident commanders request additional firefighting resources. The FIRE DISTRICTS shall compensate the WCSO for such call-when-needed aircraft in accordance with the terms of this Agreement. A qualified helicopter manager will be assigned to call-when-needed aircraft when available, but shall not delay a response.
5. When the FIRE DISTRICTS request the availability of an observation helicopter and it is made available by the WCSO, the FIRE DISTRICTS acknowledges that such OH-58 helicopters operated by the WCSO are not and will not be "carded" by

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the USFS, or the BLM and therefore its costs do not qualify for reimbursement by FEMA.

6. Except as provided in Section 3 of this Agreement, in the event that other agencies request the use of the WCSO'S aircraft, the use of those aircraft shall be governed by the terms of use established by the WCSO with those agencies.

D. Training

1. All pilots assigned to aircraft under this Agreement shall be trained in the policies, frequency plans and special safety issues of the FIRE DISTRICTS and Federal firefighting aviation assets. This knowledge may, in the alternative, be gained by attending NDF/USFS/BLM Aviation safety meetings, pre-season inter-agency operations meetings and other such opportunities. The FIRE DISTRICTS shall make such opportunities available to the WCSO's pilots at no charge, cost or fees for such attendance and participation.

2. WCSO shall train the helicopter manager in the duties and responsibilities of the crew chief at not additional charge, cost or fee for such training other than assessment of the charges and fees designated for use of the WCSO personnel and equipment for such training and operational usage by the FIRE DISTRICTS of such personnel and equipment.

3. The WCSO'S Aviation Unit manager or his designee and all pilots (based upon availability) assigned to aircraft under this Agreement shall attend a FIRE DISTRICTS' approved pre-season workshop.

4. The WCSO shall make its helicopters reasonably available, at the agreed hourly flight rate, for firefighting coordination training of flying crews and helicopter managers.

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E. Communications:

1. A morning report shall be transmitted to the on-duty Battalion Chiefs for the FIRE DISTRICTS as well as the Incline, Reno Fire and Minden Dispatch centers within 30 minutes of commencement of daily operations.

2. This report shall include:

- Status of RAVEN 3 (HH-1H, Huey)
- Response posture, immediate or stand-by
- Pilot name
- Special status changes; i.e., location if not Reno-Stead Airport
- Other available helicopters

3. The helicopter manager or the pilot shall ensure the following minimum information is obtained before liftoff on a fire mission:

- Location and name of incident (Latitude and Longitude if available)
- Command radio frequency
- ICS ground contact
- Call-up frequency if different from command frequency
- Air-to-air frequency if other aircraft are operating

4. At the FIRE DISTRICTS' request, the WCSO personnel who participate in a response will attend any FIRE DISTRICTS' meetings to discuss the response to the incident subject to said attendance occurring during such personnel's regular duties days and hours.

F. Payment:

1. As and for advance payments for the availability during a fire season of designated WCSO equipment and personnel at times constituting the WCSO's designated work week and hours, the FIRE DISTRICTS will compensate the WCSO as follows:

- a. The SFPD shall pay to the WCSO \$15,000 within 30 days of acceptance by all parties to this Agreement. A second payment of \$30,000 will be made on July 31, 2009.
- b. The TMFPD shall pay to the WCSO \$15,000 within 30 days of acceptance by all parties to this Agreement. A second payment of \$50,000 will be made on July 31, 2009.
- c. The NLTFPD shall pay to the WCSO \$10,000 within 30 days of acceptance by all parties to this Agreement. A second payment of \$10,000 will be made on July 31, 2009.

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The purpose of these 2 payments to be made by each of the FIRE DISTRICTS is to ensure the ability of each district to request a WCSO helicopter for wildland fire monitoring and/or suppression pursuant to the terms of this Agreement. The payments shall be utilized at the discretion of the WCSO in its sole and absolute discretion.

2. Payment for Flight Time: The FIRE DISTRICTS do not guarantee a maximum or minimum number of flight hours that may be utilized for training and the monitoring and suppression of wildland fires during the term of this Agreement, such usage being subject to the nature and extent of such incident during the term of this Agreement. When the aircraft of the WCSO covered by this Agreement are

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operating at the request of a FIRE DISTRICT, that FIRE DISTRICT is solely responsible to pay the WCSO as follows:

- \$1,190 per flight hour for the HH-1H Huey helicopter. Flight time shall be accrued and paid in tenths of an hour based upon a battery-activated hour meter and shall include fuel.
- \$525 per flight hour for the OH-58 helicopter. Flight time shall be accrued and paid in tenths of an hour based upon a battery-activated hour meter and shall include fuel.

3. Personnel Surcharges: Anytime a WCSO pilot is operating on behalf of a FIRE DISTRICT, or is requested by the FIRE DISTRICTS to be available for an immediate response or to be on standby, outside of the WCSO designated work week hours, the FIRE DISTRICTS shall pay a surcharge.

- a. A request to be available for immediate response shall generate a surcharge of \$100 per hour (\$152 per hour on a holiday) to be paid to the WCSO by the FIRE DISTRICTS. Each FIRE DISTRICT shall pay ¼ of this surcharge. The remaining quarter shall be paid by the Washoe County Fire Suppression Budget. Holidays will be defined in accordance with the Washoe County Deputies Association contract with the County.
- b. When WCSO personnel operate aircraft at the request of a FIRE DISTRICT, then that FIRE DISTRICT is solely responsible for the surcharge of \$100 per hour (\$152 per hour on a holiday). Holidays will be defined in accordance with the Washoe County Deputies Association contract with the County.
- c. When any one or more of the FIRE DISTRICTS request the WCSO to guarantee availability of a pilot at times outside of the WCSO's designated work week hours (i.e., "immediate availability" not desired but rather on "standby" with a pager, e.g.), the FIRE DISTRICTS shall pay to the WCSO a surcharge of \$9.25 per hour per person (\$14.00 on a holiday). This surcharge is mandated in accordance with Washoe County Deputies Association contract with the WCSO, specifically ¼ hour pay per hour of "stand-by time." The FIRE DISTRICTS must notify the WCSO Aviation Unit manager 8 hours prior to the desired recall period to determine pilot availability and provide proper prior notice and crew rest to the designated pilot. The FIRE DISTRICTS shall each pay ¼ of this surcharge. The remaining quarter is to be paid by the Washoe County Fire Suppression Budget. When said pilot is then requested for immediate availability, or requested to operate aircraft, then this standby status is terminated along with this surcharge and the surcharge rate in paragraph 3.F.3.b immediately above applies.

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- d. The FIRE DISTRICTS may request a pilot to respond outside of the WCSO's designated work week hours but without designating a pilot for standby; however the WCSO will not guarantee a response in such event.
- e. If a fuel truck is requested by a FIRE DISTRICT to respond to a fire, the requesting FIRE DISTRICT is solely responsible for and shall pay \$37 per hour (\$55 per hour on a holiday) for the driver. The requesting FIRE DISTRICT shall pay – in addition - \$1.00 per mile from the Reno-Stead Airport to and from any staging area. For any training activities provided to the FIRE DISTRICTS in which the fuel truck is requested, the rates in this paragraph apply and shall be equally shared by the FIRE DISTRICTS participating in the training. These rates include fuel.
- f. The WCSO Aviation Unit Manager or his designee shall prepare, during each month during the term of this Agreement, a month-end accounting of services rendered and the associated costs in accordance with this Agreement. A copy of the accounting worksheet shall accompany the invoice sent by the WCSO Finance Liaison Officer to the FIRE DISTRICTS.
- g. The FIRE DISTRICTS shall remit to the WCSO full payment within 30 days of receipt of the invoice, which payment shall be by a check made out to the Washoe County Sheriff's Office, RAVEN program.

4. **ADMINISTRATION:** The FIRE DISTRICTS' Chiefs and the Washoe County Sheriff shall be responsible for the administration of this Agreement. Each party to this Agreement represents to the other that it has sufficient resources and/or other agreements to perform the covenants, terms and conditions set-forth hereunder. The terms of this Agreement may be modified only by written agreement of the parties hereto.

5. **EMPLOYMENT STATUS:** The WCSO and the FIRE DISTRICTS individually shall, during the entire term of this Agreement, be construed to be independent contractors and nothing in this Agreement is intended nor shall be construed to create an employer-employee relationship between employees of any of the parties hereto. Except as expressly provided in this Agreement, the WCSO shall be responsible for management of and costs associated with the WCSO employees, and the FIRE DISTRICTS shall be responsible for management of and the costs associated with the FIRE DISTRICTS' employees.

6. **ENTIRE AGREEMENT & SEVERABILITY:** This Agreement contains all of the commitments and agreements of the parties. Oral and written commitments not contained herein shall be of no force or effect to alter any term of this Agreement. In the event any one or more of the terms, sentences, paragraphs, or provisions contained herein shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity illegality, or unenforceability shall not affect any other terms, sentences, paragraphs or provisions, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

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7. **NOTICE.** All notices or other communications required or permitted to be given under this Agreement 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.

8. **INSPECTION & AUDIT.**

A. *Books and Records.* Each party agrees to keep and maintain under generally 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 Agreement must be retained by each party for a minimum of three years and for five years if any federal funds are used in this Agreement. The retention period runs from the date of termination of this Agreement. 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.

9. **LIABILITY OF PARTICIPATING AGENCIES**

A. To the extent limited in accordance with NRS 41.0305 to NRS 41.039, each participating agency agrees to indemnify, hold harmless and defend the other participating agencies, their officers, employees and agents from and against all liability, claims, actions, damages, losses, and expenses, including but not limited to reasonable attorneys' fees and costs, arising out of any alleged negligent or willful act or omissions of the participating agency, its officers, employees and agents arising out of the performance of this Agreement. Each agency may assert all available defenses, including but not limited to the defense of sovereign immunity as

INTERLOCAL AGREEMENT - RAVEN FIRE TRAINING, MONITORING
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appropriate in all cases. Each agency's obligation for actions sounding in tort is limited in accordance with the provisions of NRS 41.035.

B. Each participating agency shall be responsible for, and the other agencies shall have no obligations with respect to the following:

1. Withholding income taxes, FICA or any other taxes or fees
2. Industrial insurance
3. Participation in any group insurance plans available to employees
4. Participation or contribution by either the employing agency or the participating agencies to the Public Employees Retirement System
5. Accumulation of vacation leave or sick leave
6. Unemployment compensation coverage provided by the participating agencies

C. To the extent limited in accordance with NRS 41.0305 to NRS 41.039, participating agencies shall indemnify and hold other participating agencies harmless from liability for damages, costs, penalties, liabilities, and expenses arising or incurred because of, incident to, or otherwise with respect to any such taxes or fees. The employing agency's employees, agents, or representatives shall not be considered employees, agents or representatives of other participating agencies. Each agency will assert the defense of sovereign immunity as appropriate in all cases. Each agency's obligation for actions sounding in tort is limited in accordance with the provisions of NRS 41.035.

D. To the extent limited in accordance with NRS 41.0305 to NRS 41.039, participating agencies shall indemnify and hold other participating agencies harmless for damage, or from liability for damages, resulting from the use of another agencies' equipment or vehicle while acting in official capacity in furtherance of this agreement. This excludes liability for damages arising from mechanical or other defects with the equipment or vehicles, for which the owning agency shall be responsible. Each agency will assert the defense of sovereign immunity as appropriate in all cases. Each agency's obligation for actions sounding in tort is limited in accordance with the provisions of NRS 41.035.

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10. WORKERS' COMPENSATION. For the limited purpose of the exclusive remedy set forth in NRS 616A.020, all parties shall be deemed to employ jointly a person who is an employee of either party and sustains an injury by accident or occupational disease while participating in the matter for which assistance was requested. However, for the purpose of providing insurance benefits pursuant to NRS 616A through NRS 616D and NRS 617 each party shall provide such benefits to its own employees at its own expense. The parties waive any indemnification provision with respect to such industrial injuries or occupational diseases.

11. GOVERNING LAW; JURISDICTION. This Agreement 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 Second Judicial District Court of the State of Nevada for interpretation and enforcement of this Agreement.

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

IN WITNESS THEREOF, the parties hereto have approved this Agreement and have caused this Agreement to be executed by their respective officers on the date next to the signatures.

**BOARD OF FIRE COMMISSIONERS
FOR THE SIERRA FIRE
PROTECTION DISTRICT**

COUNTY OF WASHOE

BY: *David E. Humke*
DAVID E. HUMKE, CHAIR

By: *David E. Humke*
DAVID E. HUMKE, CHAIR

DATE: 4/28/09

DATE: 5/12/09

ATTEST:

Randy Harvey
Chief Deputy Clerk
County

ATTEST:

Nancy L. Pt. Chief Deputy
County Clerk 5/12/09

**BOARD OF FIRE COMMISSIONERS
FOR THE TRUCKEE MEADOWS
FIRE PROTECTION DISTRICT**

DATE: 4/28/09

BY: *David E. Humke*
DAVID E. HUMKE, CHAIR

ATTEST:

Randy Harvey
Chief Deputy Clerk
County

CITY OF RENO

DATE:

BY: _____
ROBERT A. CASHELL, SR. MAYOR

ATTEST:

City Clerk

Approved as to form:

Reno City Attorney's Office

**INTERLOCAL AGREEMENT - RAVEN FIRE TRAINING, MONITORING
AND SUPPRESSION PERSONNEL AND EQUIPMENT**

09-4163

**INTERLOCAL COOPERATIVE AGREEMENT
FOR REIMBURSEMENT**

This Agreement, made and entered into this _____ day of _____, 2009, by and between WASHOE COUNTY, Nevada, (hereinafter called "COUNTY") and the Regional Transportation Commission of Washoe County, a special purpose unit of Government of the State of Nevada (hereinafter called "RTC").

WITNESSETH:

WHEREAS, agreements between RTC and public entities are authorized under Chapter 277 of the Nevada Revised Statutes for the work described herein; and

WHEREAS, the parties hereto are charged with the responsibility for general road maintenance and repair and maintaining staff, equipment and materials to perform the necessary work; and

WHEREAS, RTC is undertaking a certain road maintenance project entitled, **2009 Preventive Maintenance, Slurry Seal Program**, which provides for the application of preventive maintenance treatments on candidate pavements included in the Regional Transportation Plan; and

WHEREAS, the COUNTY desires to construct specific preventive maintenance treatment improvements, (hereinafter called "IMPROVEMENTS"), on COUNTY roadways that are NOT included in the Regional Transportation Slurry Seal Program; and

WHEREAS, the IMPROVEMENTS, desired by the COUNTY, are described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, RTC is willing to incorporate the IMPROVEMENTS into the Slurry Seal Program drawings, details, and specifications and subsequently cause the improvements to be constructed; and

WHEREAS, COUNTY wishes to reimburse the RTC for the actual costs RTC incurs that are directly related to the inclusion of the IMPROVEMENTS in said Program.

NOW, THEREFORE, in consideration of these premises and covenants herein contained, it is mutually agreed by and between the parties as follows:

RTC AGREES:

1. To provide drawings, details and specifications, and construction, including but not limited to, inspection, quality assurance testing, administration and PROJECT management of the IMPROVEMENTS. Drawings, details and specifications for the IMPROVEMENTS shall be subject to review and approval by the COUNTY.

2. To prepare an Order on Contract for the PROJECT and modify the construction contract awarded in accordance with Chapter 338 of Nevada Revised Statutes to include the IMPROVEMENTS at the competitively bid amounts in the contract.

3. To provide the COUNTY, the total cost of the IMPROVEMENTS, including, without limitation, the costs incurred to incorporate the IMPROVEMENTS in the PROJECT drawings, details and specifications and those costs reasonably incurred during construction, administration and PROJECT management. This amount shall not be exceeded unless the COUNTY agrees that the actual quantity of the IMPROVEMENTS exceeds the estimated quantity of the IMPROVEMENTS or the parties mutually agree to an additional sum.

4. To allow the COUNTY or its authorized agents to review and approve contract change orders associated with the construction of the IMPROVEMENTS.

5. To execute change orders upon written approval from the COUNTY or its authorized agents.

6. To invoice the COUNTY at the completion of the PROJECT, for the actual costs associated with the IMPROVEMENTS.

COUNTY AGREES:

1. To provide an initial determination of the IMPROVEMENTS for estimation of the costs of the IMPROVEMENTS and the costs for incorporation of the IMPROVEMENTS into the drawings, details and specifications prepared by the RTC and its agents.

2. To invoke any authority available under State law or existing permits to have impacted utilities relocated at the utility owner's expense.

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3. To acquire all additional right-of-way, easements and/or entry permits from adjacent property owners, as necessary, to allow the RTC and its agents to construct IMPROVEMENTS in accordance with the drawings, details, and specifications.

4. To direct all questions or requests pertaining to the IMPROVEMENTS to the RTC Project Manager and designate a COUNTY representative to assist the RTC Project Manager in the administration of all issues relating to the IMPROVEMENTS.

5. To timely review and provide the RTC Project Manager with prompt input relating to the approval, modification or disapproval of contract change orders related to the IMPROVEMENTS and to reimburse the RTC for costs that result from the approved contract change orders. For purposes of this Agreement, actual costs include, but are not limited to, additional engineering, inspection, testing, change orders and compensable delays caused by conditions related to such change orders.

6. To reimburse the RTC for actual costs incurred by RTC that are directly related to the inclusion of the IMPROVEMENTS in the PROJECT. The reimbursable costs include, but are not limited to, the actual costs of incorporating the IMPROVEMENTS into the PROJECT drawings, details and specifications and those costs reasonably incurred during construction, administration and PROJECT management as described in Exhibit A attached hereto.

7. That the costs of the IMPROVEMENTS, including those referred to in item 6 above, are estimated (see Exhibit A attached) and that the COUNTY will reimburse the RTC for all actual costs up to but not exceeding that amount, in accordance with this Agreement.

8. To remit payment within thirty (30) calendar days following receipt of an invoice from the RTC and, if not timely paid, to pay interest as provided in NRS 99.040. If a dispute involving payment should arise under this Agreement which is ultimately resolved in favor of COUNTY, the above stated duty to pay interest on the balance due will not be effective.

IT IS MUTUALLY AGREED

1. That each party will cooperate with the other party to this Agreement and their agents in carrying out their respective responsibilities under this Agreement.

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2. That each party will assist the other party in communicating with the public regarding the provisions of this Agreement.

3. That all communications/notices required pursuant to the Agreement shall be given as hereinafter provided, unless written notice of a new designee is sent certified or registered mail, to the other party, as follows:

RTC: Robert J. Russell, P.E.
Engineering Director
Regional Transportation Commission
1105 Terminal Way, Suite 108
Reno, Nevada 89502
(775) 348-0171

COUNTY: Dan St. John, P.E.
Director of Public Works
Washoe County
P.O. Box 11130
Reno, Nevada 89520-0027
(775) 328-2040

4. Subject to the limitations of Chapter 41, each party agrees to indemnify, defend and hold harmless the other party from and against any liability including, but not limited to, property damage and personal injury or death, proximately caused by the negligent acts or omissions of its officers, agents and employers arising out of the performance of this Agreement.

5. That the laws of the State of Nevada shall be applied in interpreting and construing this Agreement. The parties hereby stipulate that proper venue of any action commenced arising out of this Agreement shall be a court of competent jurisdiction in Washoe County, Nevada.

6. That the legality or invalidity of any provision or portion of this Agreement shall not affect the validity of the remainder of the Agreement.

7. That this Agreement constitutes the entire contract between the parties and shall not be amended unless in writing and signed by the parties. Further, none of the terms, covenants, representations, warranties or conditions of this Agreement may be waived, except by a written instrument executed by the party against which such amendment is to be charged.

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8. That it is not intended, and this Agreement shall not be construed, to provide any person or entity not a party to this Agreement, with any benefits or cause of action or to obligate the parties to this Agreement to any entity or person not a party to this Agreement.

9. The parties shall submit any matter or action contemplated or arising hereunder or under any agreement executed pursuant hereto, including any claim based on or arising from an alleged tort relating to the subject matter of this Agreement and any dispute seeking equitable relief (collectively, "Dispute") for resolution on an informal basis to a mediator mutually agreed upon by the parties. Any Dispute which is not resolved informally through the mediation process shall be submitted to arbitration.

10. Any dispute arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the provisions of chapter 38 of Nevada Revised Statutes and any amendments thereto, and judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

11. That in the event either party initiates arbitration to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorney fees.

12. Any party may terminate its participation in this Agreement at any time by giving 30 days written notice to the other parties, with or without cause. Within 30 days from the date of termination, the terminating party shall reimburse the remaining parties to the Agreement for Labor, Equipment and/or Materials received and expenses incurred through the termination date.

13 The representations, warranties, indemnities as well as those provisions relating to payments and record retention set out herein shall survive the termination of the Agreement.

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EXHIBIT A

Description of IMPROVEMENTS:

Application of approximately 3.5 million square feet of Type II Slurry Seal, 0.85 million square feet of Type III Micro-surfacing, and 0.25 million square feet of Chip Seals on WASHOE COUNTY roadways. This includes replacement of existing pavement markings and traffic control. Any testing and inspection for this work will be provided by WASHOE COUNTY.

Estimated costs of IMPROVEMENTS:

Construction:	\$900,000.00
Design, EDC and Administration (1):	<u>\$0.00</u>
TOTAL ESTIMATED AMOUNT:	\$900,000.00

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WASHOE COUNTY SLURRY SEAL PROGRAM THRU RTC FOR 2009

	Branch Name	Commissioner District	From	To	Seal Type
	Incline area				
1	COLLEGE DRIVE Hidden Valley	1	EAST SIDE S.R. 431	WEST SIDE VILLAGE BLVD.	MICRO
2	MIDDLECOFF COURT	2	EAST OF TAMARISK DR.	215 FT. E. TAMARISK DR.	TYPE 2
3	SUMRALL WAY	2	6' E. OF HIDDEN VALLEY DR	309' E. HIDDEN VALLY DR.	TYPE 2
	Washoe Valley				
4	DOUGLAS DRIVE	2	E. SIDE OF LAKESHORE DR.	227' E. OF CHURCHILL DR.	TYPE 2
5	LAKESHORE DRIVE	2	WEST SIDE EAST LAKE BLVD.	777' S. OF ESMERELDA	TYPE 2
	Saddlehorn area				
6	SADDLEHORN DRIVE	2	W. OF THOMAS CREEK(N.INT)	S.E SIDE W. SADDLEBOW DR.	MICRO
7	SADDLEHORN DRIVE (SOUTH)	2	S.E SIDE W. SADDLEBOW DR	6' W. THOMAS CREEK -S.INT	TYPE 2
8	SADDLEHORN PLACE	2	S. SIDE OF SADDLEHORN DR.	175' S.E. SADDLEHORN DR.	TYPE 2
9	WILD EAGLE TERRACE	2	N. SIDE OF SADDLEHORN DR.	E. SIDE OF MOONRISE CT.	TYPE 2
10	MOONRISE COURT	2	N. SIDE OF SADDLEHORN DR.	373' N. WILD EAGLE TER.	TYPE 2
11	WINDRIVER LANE WEST	2	S. SIDE OF SADDLEHORN DR.	152' S. WINDRIVER LN.EAST	TYPE 2
12	WINDRIVER LANE EAST	2	S. SIDE OF SADDLEHORN DR.	E. OF WINDRIVER LN. WEST	TYPE 2
13	SADDLEBOW DRIVE	2	N.W. OF SADDLEHORN(E.INT)	542' SO. OF POWDER RIVER	TYPE 2
14	SADDLEBOW DRIVE (WEST)	2	542' SO. OF POWDER RIVER	S.W. SIDE S. SADDLEHORN	MICRO
15	SADDLEBOW COURT	2	S.E. OF SADDLEHORN DR.	425' S.E. OF SADDLEHORN	TYPE 2
16	SADDLESPUR ROAD	2	6' W. OF SADDLEBOW DR.	386' W. OF W. SADDLEBOW	TYPE 2
17	PRAIRIE FLOWER COURT	2	S. SIDE OF SADDLEHORN DR.	485' S. OF SADDLEHORN DR.	TYPE 2
18	POWDER RIVER DRIVE	2	N. OF SADDLEHORN DR.	EAST SIDE SADDLEBOW DR.	TYPE 2
19	POWDER RIVER COURT	2	S. OF SADDLEHORN DR.	478' S. OF SADDLEHORN DR.	TYPE 2
20	OWBOW COURT	2	6' S.W. OF SADDLEHORN DR.	801' S.W. SADDLEHORN DR.	TYPE 2
21	BLACK EAGLE COURT	2	6' N. OF S. SADDLEHORN DR	603' N. OF S. SADDLEHORN	TYPE 2
22	WILD QUAIL COURT	2	6' N. OF S. SADDLEHORN	730' N. OF S. SADDLEHORN	TYPE 2
23	QUAIL SPRINGS COURT	2	S. SIDE OF SADDLEHORN DR.	700' S. OF SADDLEHORN DR.	TYPE 2
24	EAGLE SPRINGS COURT	2	6' N. OF S. SADDLEHORN	593' N. OF S. SADDLEHORN	TYPE 2
25	TABLE ROCK COURT	2	S. SIDE OF S. SADDLEHORN	700' S. OF S. SADDLEHORN	TYPE 2
26	SWIFT CREEK COURT	2	S. SIDE OF SADDLEHORN DR.	496' S. OF SADDLEHORN DR.	TYPE 2
27	QUAIL RAVINE COURT	2	S. SIDE OF SADDLEHORN DR.	637' S. OF SADDLEHORN DR.	TYPE 2
28	SORREL LANE	2	EAST OF SADDLEHORN DR.	N. SIDE OF S. SADDLE HORN	TYPE 2
29	QUIET MEADOW DRIVE (NORTH)	2	E. OF THOMAS CREEK RD.	S. SIDE OF CABALLERO CT.	MICRO
30	QUIET MEADOW DR. (SOUTH)	2	S. SIDE OF CABALLERO CT.	E. SIDE OF THOMAS CREEK	TYPE 2
31	VIA CONTENTO COURT	2	6' W. OF S. QUIET MEADOW	298' W. OF S. QUIET MEAD.	TYPE 2
32	TAOS LANE	2	E. OF S. QUIET MEADOW DR	1058' N. OF S. QUIET MED.	TYPE 2
33	CABALLERO COURT	2	6' W. OF QUIET MEADOW DR.	387' W. QUIET MEADOW DR.	TYPE 2
34	BANDOLIER COURT	2	S. OF QUIET MEADOW DR.	447' S. QUIET MEADOW DR.	TYPE 2
35	DOMINGO COURT	2	6' W. OF QUIET MEADOW DR.	446' W. QUIET MEADOW DR.	TYPE 2
36	QUIET MEADOW COURT	2	N.E. OF QUIET MEADOW DR.	419' N. QUIET MEADOW DR.	TYPE 2
37	DESATOYA DRIVE	2	6 FT. E. QUIET MEADOW DR.	213' E. QUIET MEADOW DR.	TYPE 2
	Callahan area				
38	TIMBERLINE DRIVE	2	75 FT. N. OF S.R. 431	87' S. OF DON ALISHA LN.	MICRO
39	CEDARWOOD DRIVE	2	EAST SIDE CHERRYWOOD DR.	1078 FT. EAST CHERRYWOOD	TYPE 2
40	CEDARWOOD DRIVE	2	WEST SIDE CHERRYWOOD DR.	320' W. of CHERRYWOOD DR.	TYPE 2
41	WILDWOOD DR.	2	WEST SIDE CHERRYWOOD DR.	525' W. of CHERRYWOOD DR.	TYPE 2
42	WILDWOOD DR.	2	372 W. OF CALLHAN RD	E. SIDE OF TANNERWOOD	TYPE 2
43	FAWN LANE	2	130 FT. SO. SIDE SR 431	4950 FT. SO. SR 431	TYPE 2
	Sun Valley				
44	FIRST AVENUE	3	75 FT. W. OF LEON DR.	E. SIDE OF SUN VALLEY DR.	TYPE 2
	Spanish Srings (alternates)				
45	CANOE HILL COURT	4	NO. OF PAH RAH DR.	266 FT. NO. OF PAH RAH DR	TYPE 2
46	CANOE HILL DRIVE	4	SO. OF PAH RAH DR.	112 FT. SO. BLUE SKIES DR	TYPE 2
47	SUMMIT VIEW DRIVE	4	E. OF CANOE HILL DR.	WEST SIDE BLUE SKIES DR.	TYPE 2
48	BLUE SKIES DRIVE	4	E. OF CANOE HILL DR.	580 FT. E. CANOE HILL DR.	TYPE 2
49	APRIL STREET	4	6 FT. N. BLUE SKIES DR.	WEST END OF KENDRA	TYPE 2
50	KENDRA STREET	4	N.E. SIDE OF APRIL ST.	WEST SIDE BLUE SKIES DR.	TYPE 2
51	SAGE CREEK COURT	4	W. SIDE OF BLUE SKIES DR.	222' W. OF BLUE SKIES DR.	TYPE 2
52	SHADY VIEW COURT	4	S.W. OF BLUE SKIES DR.	352' S.W. OF BLUE SKIES	TYPE 2
53	YONDER COURT	4	N.W. OF BLUE SKIES DR.	172' N.W. BLUE SKIES DR.	TYPE 2
54	HIBISCUS COURT	4	W. SIDE OF BLUE SKIES DR.	339' W. OF BLUE SKIES DR.	TYPE 2

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WASHOE COUNTY SLURRY SEAL PROGRAM THRU RTC FOR 2009

	Branch Name	Commissioner District	From	To	Seal Type
	Sun Valley				
55	HAAS COURT	5	S. SIDE MIDDLEFORK DRIVE	489 FT. S. MIDDLEFORK DR.	TYPE 2
56	STACI WAY	5	W. SIDE OF SUN VALLEY DR.	E. SIDE SIDEHILL DRIVE	TYPE 2
57	BOZIC LANE	5	N. SIDE SEVENTH AVENUE	S. SIDE EIGHTH AVENUE	TYPE 2
58	ALOHA WAY	5	E. SIDE YUKON DRIVE	1337 FT. E. YUKON DRIVE	TYPE 2
59	CORRAL DRIVE	5	S. SIDE FOURTH AVENUE	E. SIDE TOROBIE COURT	TYPE 2
60	TOROBIE DRIVE	5	E. SIDE TOROBIE COURT	S. SIDE FOURTH AVENUE	TYPE 2
61	TOROBIE COURT	5	3' S. OF TOROBIE DR.	234 FT. S. TOROBIE DR.	TYPE 2
62	FOURTH AVENUE	5	112 FT. E. FLORA WAY	133' E. JOHN DR.	TYPE 2
63	FLORA WAY	5	N. SIDE FOURTH AVENUE	850 FT. N. FOURTH AVENUE	TYPE 2
64	VICTOR COURT	5	N. SIDE FLORA WAY	238 FT. N. FLORA WAY	TYPE 2
65	KOALA LANE	5	190 FT. N. HAZARD WAY	146 FT. S. HAZARD WAY	TYPE 2
66	HAZARD WAY	5	E. SIDE KOALA LANE	W. SIDE SIDEHILL DRIVE	TYPE 2
67	TIGER LILLY COURT	5	S. SIDE LEOPARD LILLY DR.	280 FT. S. LEOPARD LILLY	TYPE 2
68	LEOPARD LILLY DRIVE	5	W. SIDE RAMPION WAY	126 FT. W. TIGER LILLY CT	TYPE 2
69	LEOPARD LILLY COURT	5	E. SIDE RAMPION WAY	183 FT. E. RAMPION WAY	TYPE 2
70	COLUMBINE COURT	5	W. SIDE RAMPION WAY	559 FT. W. RAMPION WAY	TYPE 2
71	RAMPION WAY	5	334 FT. S. LEOPARD LILLY	S. SIDE OF CARNES DR.	TYPE 2
	Cold Springs				
72	BECARD LANE	5	108 FT. E. GULL STREET	E. SIDE BRANT STREET	TYPE 2
73	SHEARWATER DRIVE	5	N. SIDE COLD SPRINGS DR.	S. SIDE AVOCET COURT	TYPE 2
74	DYAL COURT	5	E. SIDE SHEARWATER DRIVE	300 FT. E. SHEARWATER DR.	TYPE 2
75	PETREL COURT	5	E. SIDE SHEARWATER DR.	289 FT. E. SHEARWATER DR.	TYPE 2
76	BITTERN COURT	5	E. SIDE SHEARWATER DR.	288 FT. E. SHEARWATER DR.	TYPE 2
77	AVOCET COURT	5	E. SIDE BRANT DRIVE	306 FT. E. SHEARWATER DR.	TYPE 2
78	WHIPPOORWILL LANE	5	E. SIDE MACAW LANE	W. SIDE BRANT STREET	TYPE 2
79	MACAW LANE	5	N. SIDE PEREGRINE CIRCLE	E. SIDE SANDPIPER DRIVE	TYPE 2
80	FLAMINGO DRIVE	5	N. SIDE COLDSRING DR.	S. SIDE GOLDFINCH DRIVE	TYPE 2
81	MOCKINGBIRD DRIVE	5	W. SIDE SANDPIPER DRIVE	E. SIDE FLAMINGO DRIVE	TYPE 2
82	MOCKINGBIRD COURT	5	E. SIDE SANDPIPER DRIVE	222 FT. E SANDPIPER DRIVE	TYPE 2
83	OWL COURT	5	N. SIDE MOCKINGBIRD DRIVE	140 FT. N. MOCKINGBIRD DR	TYPE 2
84	PEACOCK PLACE	5	N. SIDE MOCKINGBIRD DRIVE	273 FT. N. MOCKINGBIRD DR	TYPE 2
85	NORTH AVENUE	5	W. SIDE OF FRONTAGE RD.	E. SIDE OF NORTHRIDGE AVE	TYPE 2
86	SOUTH AVENUE	5	S. SIDE OF FRONTAGE RD.	N. SIDE OF NORTHRIDGE AVE	TYPE 2
	Lemmon Valley				
87	FREMONT WAY	5	S.W. SIDE PALACE DRIVE	255 FT. S.W. PAXTON DRIVE	TYPE 2
88	TURBINE WAY	5	S.E. SIDE FREEMONT WAY	N. SIDE AQUIFER WAY	TYPE 2
89	PAXTON LANE	5	S.E. SIDE FREEMONT WAY	W. SIDE RESERVOIR STREET	TYPE 2
90	ADAMS WAY	5	S.E. SIDE FREEMONT WAY	185 FT. S.E. FREEMONT WAY	TYPE 2
91	NECTAR STREET	5	E. SIDE LEMMON DRIVE	W. SIDE OF FIR DR.	TYPE 2
92	RAMSEY WAY	5	S. SIDE LEMMON DRIVE	200 FT. S. HANNAH COURT	TYPE 2
93	CUNNINGHAM WAY	5	W. SIDE POMPE WAY	474 FT. W. RAMSEY WAY	TYPE 2
94	DILLON WAY	5	S. SIDE LEMMON DRIVE	N. SIDE CUNNINGHAM WAY	TYPE 2
95	SALMAN WAY	5	W. POMPE WAY	E. SIDE RAMSEY WAY	TYPE 2
96	DARLENE COURT	5	W. SIDE RAMSEY WAY	500 FT. W. RAMSEY WAY	TYPE 2
97	ALBERT WAY	5	W. SIDE RAMSEY WAY	650 FT. W. RAMSEY WAY	TYPE 2
98	JEAN WAY	5	W. SIDE RAMSEY WAY	456 FT. W. RAMSEY WAY	TYPE 2
99	BOWMAR CIRCLE	5	W. SIDE RAMSEY WAY	405 FT. W. RAMSEY WAY	TYPE 2
100	HANNAH COURT	5	W. SIDE RAMSEY WAY	505 FT. W. RAMSEY WAY	TYPE 2
	Silver Knolls				
101	BIGHORN DRIVE	5	WEST SIDE RED ROCK ROAD	212 FT. NO. ALDEBARAN DR.	TYPE 2
102	BOUNDER LANE	5	WEST SIDE RED ROCK ROAD	733 FT. W. RED ROCK ROAD	TYPE 2
103	SUTTERS MILL LANE	5	WEST SIDE RED ROCK ROAD	734 FT. W. RED ROCK ROAD	TYPE 2
104	WELLS FARGO ROAD	5	WEST SIDE RED ROCK ROAD	E. SIDE SILVER SPUR DRIVE	TYPE 2
105	SILVER SPUR DRIVE	5	643 FT. N. OF WELLS FARGO	530 FT. S. OF WELLS FARGO	TYPE 2
106	SAN FERNANDO ROAD	5	SO. SIDE WELLS FARGO ROAD	643 FT. S. WELLS FARGO RD	TYPE 2
107	FORT CHURCHILL ROAD	5	S.W. SIDE BIGHORN DRIVE	690 FT. S.W. BIGHORN DR.	TYPE 2
108	ALDEBARAN DRIVE	5	WEST SIDE RED ROCK ROAD	EAST SIDE BIGHORN DRIVE	TYPE 2
	GERLACH				
109	GERLACH	5	Hwy447		MICRO

0948

**RESOLUTION
ADOPTING TO SPONSOR AMENDMENT OF THE REGIONAL UTILITY
CORRIDOR REPORT
FOR THE CREATION OF A UTILITY CORRIDOR FROM VIRGINIA PEAK TO
THE TRACY POWER PLANT**

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

WHEREAS, Section 278.026, Nevada Revised Statutes, specifies that a transmission line that carries 60 kilovolts or more represents a "Project of Regional Significance."

WHEREAS, A new utility corridor must be established in the Truckee Meadows Regional Plan, Regional Utility Corridor Report for the transmission line; Specially, the Virginia Peak to Tracy transmission line needed to support the wind farm project approved in Washoe County special use permit case number SW08-008 prior to the review of conformance for the "Project of Regional Significance";

WHEREAS, The Special Use Permit process or equivalent is the primary vehicle for reviewing and establishing new utility corridors and facility sites;

WHEREAS, A public hearing on the approval of the special use permit for the Virginia Peak to Tracy transmission line Case No. SW08-008 was held on February 4, 2009 by the Washoe County Planning Commission;

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

WHEREAS, That approval was appealed to the Washoe County Board of Commissioners on February 13, 2009, but that appeal was subsequently dropped by the appellant; now, therefore, it is hereby

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

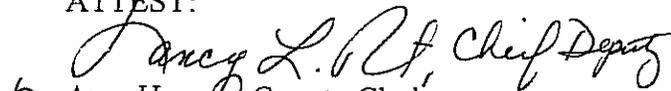
ADOPTED this 12th day of May, 2009.

WASHOE COUNTY COMMISSION



David E. Humke, Chair

ATTEST:


Amy Harvey, County Clerk

488-60
4884



WASHOE COUNTY COMMISSION

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

**RESOLUTION
ADOPTING THE AMENDED WARM SPRINGS AREA PLAN (CP09-001),
A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN**

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

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

WHEREAS, A public hearings on the adoption of the amended WARM SPRINGS AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on April 7, 2009 by said Planning Commission;

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

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

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the WARM SPRINGS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the WARM SPRINGS AREA PLAN being held on May 12, 2009 by the Board of County Commissioners of Washoe County, Nevada;

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

09-491

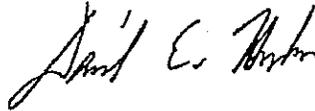
WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the WARM SPRINGS AREA PLAN, were first held on October 23, 1991, with the most recent amendment to the WARM SPRINGS AREA PLAN being held on June 10, 2009 by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

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

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

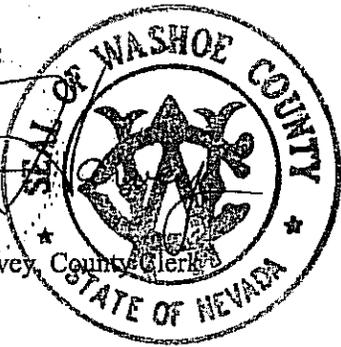
ADOPTED This ___ day of _____, 200_.

WASHOE COUNTY COMMISSION



David E. Humke, Chair

ATTEST:




Amy Haivey, County Clerk

D9-491

INTERLOCAL AGREEMENT

(Financing of Feasibility Study for Bridge Replacement Project)

Amendment No. 2

Summary: Raises amount of funding by County from \$785,000 to \$2,785,000.

§A2.1 Recitals

WHEREAS:

A. On or about July 31, 2007, the City of Reno and Washoe County entered into an Interlocal Agreement regarding pooling resources for the financing of a feasibility and design study evaluating the costs and feasibility of replacing the Lake, Center, Virginia, Sierra, Arlington and Booth Street bridges as a part of the Truckee River Flood Management Project. That Interlocal Agreement provides that Washoe County would fund up to \$600,000 for the feasibility and design study.

B. In April of 2008, the agreement was amended to raise the funding amount to \$785,000.

C. The feasibility phase has been completed to the satisfaction of the parties who now desire to move into the design of the Virginia Street Bridge at an estimated cost of \$2,000,000.

D. Under Section 5.4 of the Interlocal Agreement, it may be modified only by an instrument in writing duly executed by both parties.

E. Washoe County entered into and is administering the Interlocal Agreement pursuant to its responsibilities under the "Truckee River Flood Management Project Cooperative Agreement" entered into between the City of Reno, City of Sparks, Washoe County and the University of Nevada Reno, in May of 2005, establishing the Truckee River flood Management Project and providing for its administration (hereafter, the "Cooperative Agreement"). Under the Cooperative Agreement, contracts must be approved by the Flood Project Coordinating Committee and send to the Board of County Commissioners for consent before the County may enter into or amend them.

F. On February 13, 2009, the Flood Project Coordinating Committee met and reviewed this amendment to the Interlocal Agreement and forwarded to the Board of

09-477

County Commissioners for consent under Section 1 of the Cooperative Agreement, and on May 12, 2009, the Board of County Commissioners has determined to consent to the amendment under Section 4 of the Cooperative Agreement.

NOW THEREFORE, by mutual agreement, the parties agree that the Agreement be amended as follows.

§A2.2 General

The Interlocal Agreement is hereby amended and modified in all relevant places to accomplish the intents and effects stated herein. This Amendment becomes effective only when executed by all the parties. All other provisions in the Interlocal Agreement remain in full force and effect as herein amended.

§A2.3 Amendment.

¶A2.3.1 Change in Funding Amount.

Recital 2.3 and Paragraph 3.2.5 are hereby amended to provide that the amount to be funded by Washoe County may not exceed **\$2,785,000.**

§A2.4 Counterpart Signatures

This Amendment may be executed in counterparts and will be effective only when all parties have executed three counterpart signature pages and delivered them to County for distribution to all the parties.

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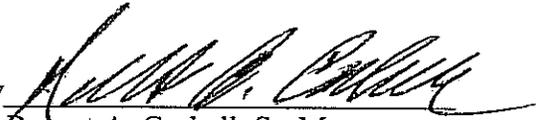
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Amendment No. 2 to Interlocal Agreement

(Financing of Feasibility Study for Bridge Replacement Project)

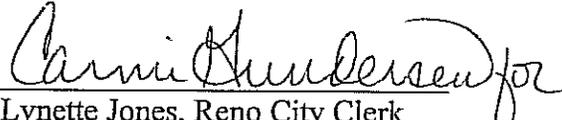
Counterpart Signature Page

CITY OF RENO
a municipal corporation

By 
Robert A. Cashell, Sr. Mayor

Date 7-2-09

Attest:

By 
Lynette Jones, Reno City Clerk

Date 7-2-09



D9-477

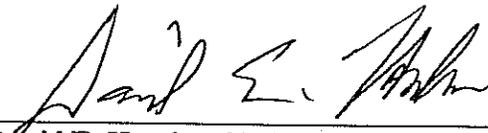
Amendment No. 2 to Interlocal Agreement

(Financing of Feasibility Study for Bridge Replacement Project)

Counterpart Signature Page

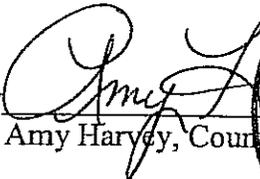
COUNTY

Washoe County, a political subdivision of the State of Nevada

By 
David E. Humke, Chairman
Board of County Commissioners

Date 6/14/09

Attest:

By 
Amy Harvey, County Clerk



Date 6/16/09

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