

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

TUESDAY

10:00 A.M.

FEBRUARY 9, 2010

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 10:09 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:

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."

**10-109      AGENDA ITEM 3 – EMERGENCY MANAGEMENT**

**Agenda Subject: "Proclamation--February 21-27, 2010 as Earthquake Awareness Week (All Commission Districts.)"**

Commissioner Jung read and presented the Proclamation to Aaron Kenneston, Emergency Management Administrator and Christine Conti, Grants Coordinator. Mr. Kenneston thanked the Board for their continued support. He stated a presentation would be conducted in February 2010 to discuss the hazards and preparations in Northern Nevada concerning earthquakes. Commissioner Jung complimented Mr. Kenneston and Ms. Conti for a recent radio appearance discussing emergency preparedness.

Katy Simon, County Manager, also confirmed a presentation was scheduled for February 23, 2010 to discuss the earthquake status in the region.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Agenda Item 3 be approved. The Proclamation for same is attached hereto and made a part of the minutes thereof.

**10-110            AGENDA ITEM 4 – COMMUNITY RELATIONS**

**Agenda Subject: “Resolution--recognizing the community partnership which made "Residential Dump Days" held January 1-2, 2010 successful (All Commission Districts.)”**

Kathy Carter, Community Relations Director, read and presented the Resolution to Greg Martinelli, Waste Management Business Development Director, John Langell, Reno Disposal District Manager and Christi Cakiroglu, Executive Director “Keep Truckee Meadows Beautiful.” Mr. Martinelli thanked the Board for their recognition and support.

In response to the call for public comment, Sam Dehne discussed the importance of Waste Management to the community.

Commissioner Weber requested Waste Management conduct a presentation to allow the public to speak on issues and concerns. Katy Simon, County Manager, confirmed she was working with Mr. Martinelli to schedule such a presentation.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 4 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-111            AGENDA ITEM 5 – PUBLIC WORKS**

**Agenda Subject: “Accept “2009 Wendell McCurry Excellence in Water Quality Award” for the Lake Tahoe Basin Roadway Sweeping Program from the Nevada Division of Environmental Protection (Commission District 1.)”**

Allen Biaggi, Nevada Department of Conservation and Natural Resources, provided background about Wendell McCurry and the nature of the water quality award. He emphasized the award was to improve water quality rather than punish people for non-compliance. Leo Drozdoff, Administrator of the Nevada Department of Environmental Protection, discussed the importance of the advanced roadway sweeping program in reducing particulates and pollutants in Lake Tahoe. He applauded the efforts of the Washoe County Public Works Department Roads Division and presented the “Wendell McCurry Excellence in Water Quality Award” to Dan St. John, Public Works Director.

In response to the call for public comment, Sam Dehne stated his father, a retired military doctor, had been an advocate for the protection of the water quality in Lake Tahoe.

Commissioner Breternitz related a story concerning a presentation about the program at a Tahoe Regional Planning Agency (TRPA) meeting. He said it was noted that Washoe County was a leader in advanced roadway sweeping and commended Mr. St. John and the Public Works Department.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Agenda Item 4 be accepted.

**10-112      AGENDA ITEM 6**

**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.”**

Max Bartmess, Spanish Springs Pilots Association President, announced the Association would be celebrating their 40th anniversary of continuous operation of the Spanish Springs Public Airport. He discussed current work that was underway and suggested the County review the possibility of taking over the lease for the Spanish Springs Airport.

Sam Dehne spoke on local media coverage of the Governor’s State of the State address.

**10-113      AGENDA ITEM 7**

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

Katy Simon, County Manager, stated that Agenda Item 18, possible status report of Fiscal Year 2010/11 Budget Development, would be pulled from the agenda.

Commissioner Larkin requested an update from the Reno-Tahoe Airport Authority Trustees. He also requested a staff report and future agenda item outlining the pros and cons of assuming the federal lease for the Spanish Springs Airport.

Commissioner Weber requested a future agenda item for a status report and discussion about the possibility of transitioning family planning to a non-governmental entity, and also include discussion on the Home Visitation Program.

Chairman Humke indicated Commissioner Jung would be meeting with the Democratic leadership of the Nevada Legislature in Las Vegas, Nevada. He stated the Republican leadership meeting would occur in the City of Reno. Chairman Humke said the Interim Finance Committee of the Legislature would be sponsoring a Town Hall meeting to discuss fiscal issues.

Commissioner Breternitz announced a Verdi-West Truckee Meadows Citizen Advisory Board (CAB) meeting was scheduled for February 10, 2010 and a Regional Planning Governing Board (RPGB) meeting was scheduled for February 11, 2010. He also stated that his informal public meeting in Incline Village was scheduled for February 22, 2010.

**DISCUSSION – CONSENT AGENDA (SEE MINUTE ITEMS 10-114 THROUGH 10-120 BELOW)**

In response to the call for public comment, Sam Dehne commended the Board on the size of the consent agenda.

**10-114      AGENDA ITEM 8A – ASSESSOR**

**Agenda Subject:** “Approve roll change requests for adjustment for destruction of property, typographical and clerical errors in the 2009/10, 2008/09, 2007/08 and 2006/07 Personal Property Tax Rolls; and if approved, authorize Chairman to execute Order for same (cumulative amount of reduction in tax revenue is \$14,822.09). (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 8A be approved, authorized and executed.

**10-115      AGENDA ITEM 8B(1) – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Approve a State of Nevada Importer and Wholesale Dealer of Wine, Liquor and Beer License for Elizabeth D. McGee, dba McGee and McGee Wine Merchants, LLC; and if approved, direct that each Commissioner sign the original copy of the State of Nevada *Application for License for Importer and Wholesale Dealer of Wine, Liquor and Beer*. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Agenda Item 8B(1) be approved and directed.

**10-116            AGENDA ITEM 8B(2) – COMMUNITY DEVELOPMENT**

**Agenda Subject: “Approve City of Fernley’s recommendation for appointment of Ed Meagher as the City of Fernley Ex-Officio Representative on the East Truckee Canyon Citizen Advisory Board with a term beginning February 9, 2010 and expiring when the City of Fernley recommends a different representative to the East Truckee Canyon (Commission District 4.)”**

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Ed Meagher be appointed as the City of Fernley Ex-Officio Representative on the East Truckee Canyon Citizen Advisory Board (CAB) with a term beginning February 9, 2010 and ending when the City of Fernley recommends a different representative to the East Truckee Canyon CAB.

**10-117            AGENDA ITEM 8C – INTERNAL AUDIT**

**Agenda Subject: “Acknowledge receipt of the Washoe County Grant Processes Audit Report. (All Commission Districts.)”**

Commissioner Larkin asked if the recommendation for a Countywide Grants Administrator contained in the report was for a new employee. Katy Simon, County Manager, explained since it was a high priority to pursue additional grant revenue and to coordinate grants within the County an existing staff member would be reassigned. Ms. Simon confirmed this would not add a new employee.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Agenda Item 8C be acknowledged.

**10-118            AGENDA ITEM 8D – REGISTRAR OF VOTERS**

**Agenda Subject: “Approve releasing bid request for Registrar of Voters for moving company services for delivery and pick-up of election equipment for the 2010 Election Cycle (estimated cost - \$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, Chairman Humke ordered that Agenda Item 8D be approved.

**10-119            AGENDA ITEM 8E – SHERIFF**

**Agenda Subject: “Accept donation [\$540] to Washoe County Sheriff’s Office Forensic Science Division from Jeff and Kathleen Heath and family of Reno, Nevada to be applied toward DNA testing of Sexual Assault Kits; and if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”**

On behalf of the Board, Commissioner Jung thanked the Heath Family for their generous donation.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Agenda Item 8E be accepted and directed.

**10-120            AGENDA ITEM 8F – WATER RESOURCES**

**Agenda Subject: “Approve Water Rights Deed between Washoe County and Austin Farms, LLC conveying 46.17 acre-feet of Truckee River water rights; and if approved, authorize Chairman to execute the Water Rights Deed. (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 8F be approved, authorized and executed.

**10-121            AGENDA ITEM 9 – REGISTRAR OF VOTERS**

**Agenda Subject: “Acknowledge presentation of election preparations for 2010 with particular emphasis on cost saving measures, general efficiencies, enhanced security and ensuring the integrity of voting systems by pursuing continuous improvement in the administration of elections. (All Commission Districts.)”**

Dan Burk, Registrar of Voters, conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the 2010 Election preparations, issues from the 2008 Election, changes and enhancement for the 2010 Elections and the efficiencies and estimated cost-savings.

Commissioner Larkin remarked there were several significant changes. He inquired on the quality control for out-sourcing ballot printing and provisions if the vendor could not produce the demand in the time allotted. Mr. Burk indicated if needed 3 percent of the ballots would be printed in-house. He explained there was an audit process in place that sent a daily audit report ensuring the correct ballot went to the correct

person. Commissioner Larkin asked if this was the vendor the California city of San Bernardino used and, if so, what was the likelihood of Washoe County receiving San Bernardino ballots. Mr. Burk commented the company had been printing ballots for a number of years and also printed ballots for the Academy Awards. He confirmed many security precautions were in place.

Commissioner Breternitz asked if there were local vendors qualified to complete this type of service. Mr. Burk stated the law required that local vendors first be reviewed and considered first. He indicated the Award of Bid would go to all interested parties. He added three vendors in the State had the qualifications to print the ballots. Mr. Burk clarified that local vendors would produce the Sample Ballot.

Commissioner Jung asked if there were any plans to educate the voters about the cost differentials on how voters chose to vote, such as absentee voting versus voting at a polling place. Mr. Burk stated the County had an efficient system, but could work with Community Relations for voter outreach.

Mr. Burk presented a photograph showing a sample of what the vendors would provide.

**11:15 a.m.** Chairman Humke temporarily left the meeting.

As a result of the changes, Mr. Burk said printing and production costs would be reduced for printing the Sample Ballots on a web press and using lighter weight paper. He indicated there would be 165 variations of the ballots produced and he summarized the estimated efficiencies and cost-savings.

Vice Chairperson Weber questioned why the ballots needed to be produced in English and Spanish since it was known which citizens needed the Spanish language version. Mr. Burk agreed that some jurisdictions preferred a Spanish version of the ballot. However, the State of Nevada did not have a check-off system allowing voters to designate their language preference on the voter registration form. He indicated in terms of the ballot it did not cost more to print in both languages. Vice Chairperson Weber asked if a Spanish-speaking person voted on the same English ballot. Mr. Burk stated the ballot was produced in English and Spanish. He explained the touch-screen voting machines at the polling place asked the voter if they preferred English or Spanish.

**11:21 a.m.** Commissioner Breternitz temporarily left the meeting.

Vice Chairperson Weber requested the cost breakdown if the County printed separate English and Spanish ballots.

There was no public comment on this item.

**11:25 a.m.** Commissioner Breternitz returned.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Chairman Humke absent, it was ordered that Agenda Item 9 be acknowledged.

### **BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items: Agenda Items 10, 12, 15 and 16.

**11:26 a.m.** Chairman Humke returned.

### **10-122 AGENDA ITEM 10 – REGISTRAR OF VOTERS**

**Agenda Subject:** “Recommendation to approve releasing a bid request for Registrar of Voters for Sample Ballot Printing for the 2010 Election Cycle (estimated cost \$452,000). (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 10 be approved.

### **10-123 AGENDA ITEM 12 – RISK MANAGEMENT/FINANCE**

**Agenda Subject:** “Recommendation to approve Addendum for two one-year extensions of current Service Agreement between the County of Washoe and Cannon Cochran Management Services, Inc Third Party Claims Administration Services for Washoe County’s Self- Insured Workers’ Compensation Program [estimated two year base cost \$153,516]; and if approved, authorize Chairman to execute Addendum (All Commission Districts.)”

There was no public comment on this item.

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

### **10-124 AGENDA ITEM 15 – REGIONAL TRANSPORTATION COMMISSION**

**Agenda Subject:** “Recommendation that the Board of County Commissioners approve a Resolution authorizing the County Finance Director to arrange for the sale of the Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010A (tax-exempt), Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010B (taxable direct pay Build America Bonds) and Highway



**Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010C (taxable Recovery Zone Economic Development Bonds) for the purpose of financing street and highway construction within the County; and providing other details in connection therewith; and if approved, authorize Chairman to execute Resolution. (All Commission Districts.)”**

There was no public comment on this item.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that Agenda Item 15 be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-125            AGENDA ITEM 16 – REGIONAL TRANSPORTATION COMMISSION**

**Agenda Subject: “Recommendation that the Board of County Commissioners approve and execute an Ordinance authorizing the issuance by Washoe County of its fully registered Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010A (tax-exempt), Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010B (taxable direct pay Build America Bonds) and Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010C (taxable Recovery Zone Economic Development Bonds) in the combined maximum aggregate principal amount of \$90,000,000 for the purpose of financing street and highway construction within the County and improvements incidental thereto; providing the form, terms and conditions of the bonds and the security therefore, and other details in connection therewith; providing for its adoption as if an emergency exists; and providing the effective date hereof. (All Commission Districts.)”**

Katy Simon, County Manager, confirmed there were no County funds involved, no General Funds used, no pledged revenues and no liability for the County.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried, Chairman Humke ordered that Agenda Item 16 approved and executed.

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Later in the meeting, on motion by Chairman Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 16 be reopened for a reading by the Clerk and a motion to adopt the Ordinance.

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Ms. Simon explained this ordinance was pursuant to the ballot question and the implementation of the new fuel taxes by the Board and the Regional Transportation Commission. She said when financing of bonds occurred, there was a

provision in statute that allowed the Board to direct the Finance Director to do this as if an emergency existed so the County could capture the best timing when issuing the bonds and receive favorable interest rates.

On motion by Commissioner Breternitz, seconded by Chairman Humke, which motion duly carried, it was ordered that Ordinance No. 1431, Bill No. 1613, entitled, **“AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY OF ITS FULLY REGISTERED WASHOE COUNTY, NEVADA, HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2010A (TAX-EXEMPT), HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2010B (TAXABLE DIRECT PAY BUILD AMERICA BONDS) AND HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2010C (TAXABLE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS) IN THE COMBINED MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$90,000,000 FOR THE PURPOSE OF FINANCING STREET AND HIGHWAY CONSTRUCTION WITHIN THE COUNTY AND IMPROVEMENTS INCIDENTAL THERETO; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND THE SECURITY THEREFORE, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF,”** be approved, adopted and published in accordance with NRS 244.100.

**10-126            AGENDA ITEM 11 – COMMUNITY DEVELOPMENT**

**Agenda Subject: Introduction and first reading of an Ordinance amending Washoe County Code Chapter 110, Development Code, Article 302, Article 304 and Article 410: Table 302.05.1 by allowing attached accessory dwellings in the General Rural regulatory zone; Table 302.05.3 to require special use permits instead of administrative permits to approve commercial stables in the Low, Medium and High Density Rural, Low Density Suburban, Parks and Recreation, and General Rural regulatory zones; Table 302.05.3 and Section 304.25 to create a new use for senior continuum of care facilities; Table 302.05.5 to allow Agricultural Sales subject to a special use permit in the Medium and High Density Rural and the Low Density Suburban regulatory zones; Section 304.35(c) to add “aquaculture” to the definition of “Animal Production”; Section 304.25(d)(5) and 304.30(d)(3) and 304.30(f) to add storage of manufactured homes to the typical uses of “Equipment Repair and Sales,” “General Industrial –Heavy” and “Inoperable Vehicle Storage”; Section 304.20(k) to add “private not for profit” ownership to the definition of “Parks and Recreation” use type; Section 304.05(c) to include a reference to the North American Industry Classification System when a use type is not clearly identified in Code; Section 304.25(d)(7) to remove “car and truck rental lots” from the typical uses specified for Automotive and Equipment, Storage of Operable Vehicles” use type; Section 304.25 to require all permanent commercial uses to construct a commercial structure; Section 304.25 to include convention facilities and wedding chapels as typical uses under the Convention and Meeting Facilities use**

**type; Table 302.05.5 and Section 304.35 to create a new use type Commercial Animal Slaughtering, Mobile; and Section 304.35 to allow small scale Produce Sales, for a maximum duration of 30 days in any one calendar year in all regulatory zones; Table 302.05.2 to change Public Service Yards from a special use permit reviewed by the Planning Commission to one reviewed by the Board of Adjustment; Table 302.05.5 to change Commercial Animal Slaughtering from a special use permit reviewed by the Planning Commission to one reviewed by the Board of Adjustment; Table 410.10.3 to add parking standards for senior continuum of care facilities; Table 410.10.5 to add parking standards for Commercial Animal Slaughtering, Mobile; and providing for other matters properly relating thereto; and, scheduling of a public hearing and second reading of the Ordinance on February 23, 2010 at 6:00PM. (All Commission Districts.)**

Commissioner Breternitz asked if there would be an effect on current legal proceedings underway related to the Incline Village General Improvement District (IVGID) and some property owners for their private use of beaches. Roger Pelham, Senior Planner, replied that was not the intent. He explained this ordinance would broaden the definition so “parks and recreation-use type” would also apply to a private not-for-profit organization.

In response to Commissioner Weber asking for clarification on Section 304.35, Mr. Pelham explained that change was a response to a change in use-type coming forward. He explained some citizens were beginning to embrace “localvore,” eating produce that was produced locally, and said this was an opportunity to allow citizens who owned some acreage to produce a crop and set up a stand during the harvest to sell their produce without having to go through the special use process. Commissioner Weber asked if that was only allowed for a maximum of 30 days. Mr. Pelham replied this was intended to address temporary uses. He said if someone wished to sell year-round that would require a special use permit. However, he explained it was 30 days within a calendar year, which could conceivably be 15 weekends over a four month period.

Chairman Humke was concerned this could be considered “standardless” from certain individuals and asked how that would be prevented. Mr. Pelham replied as with any other complaint the same code enforcement process would be followed. He remarked this was vetted through the Citizen Advisory Boards (CAB’s) and added there had been a public meeting; however, code violations could not be prevented before they happened.

Chairman Humke commented he was from an agricultural background and did not want to disparage citizens that wanted to begin a small business. However, there were those few individuals who “thumb their nose” at code enforcement. Chairman Humke said he saw this as opening the door to a person who would violate the ordinance, and unfortunately, because of the County’s complaint-driven system and staff shortages, he did not know how this could be regulated. Adrian Freund, Community Development Director, commented in the specific case recalled by the Chairman, the citizen did not

have the capability to produce an agricultural certificate. He stated that certificate was required under statute as a means to sell products from the land.

Commissioner Breternitz shared those same concerns, but believed the ordinance made a statement that limited the extent to which citizens could have a small scale operation and supported those who abided by the law.

Commissioner Larkin asked if there was extensive public comment at the Planning Commission meeting concerning this ordinance. Mr. Pelham stated several citizens spoke, but most of the discussion focused on another section in the ordinance. He indicated the public comments were included in the staff report and noted there was no particular opposition to any of the items.

There was no response to the call for public comment.

**Bill No. 1612, entitled, "AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110, DEVELOPMENT CODE, ARTICLE 302, ARTICLE 304 AND ARTICLE 410: TABLE 302.05.1 BY ALLOWING ATTACHED ACCESSORY DWELLINGS IN THE GENERAL RURAL REGULATORY ZONE; TABLE 302.05.3 TO REQUIRE SPECIAL USE PERMITS INSTEAD OF ADMINISTRATIVE PERMITS TO APPROVE COMMERCIAL STABLES IN THE LOW, MEDIUM AND HIGH DENSITY RURAL, LOW DENSITY SUBURBAN, PARKS AND RECREATION, AND GENERAL RURAL REGULATORY ZONES; TABLE 302.05.3 AND SECTION 304.25 TO CREATE A NEW USE FOR SENIOR CONTINUUM OF CARE FACILITIES; TABLE 302.05.5 TO ALLOW AGRICULTURAL SALES SUBJECT TO A SPECIAL USE PERMIT IN THE MEDIUM AND HIGH DENSITY RURAL AND THE LOW DENSITY SUBURBAN REGULATORY ZONES; SECTION 304.35(C) TO ADD "AQUACULTURE" TO THE DEFINITION OF "ANIMAL PRODUCTION"; SECTION 304.25(D)(5) AND 304.30(D)(3) AND 304.30(F) TO ADD STORAGE OF MANUFACTURED HOMES TO THE TYPICAL USES OF "EQUIPMENT REPAIR AND SALES," "GENERAL INDUSTRIAL – HEAVY" AND "INOPERABLE VEHICLE STORAGE"; SECTION 304.20(K) TO ADD "PRIVATE NOT FOR PROFIT" OWNERSHIP TO THE DEFINITION OF "PARKS AND RECREATION" USE TYPE; SECTION 304.05(C) TO INCLUDE A REFERENCE TO THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM WHEN A USE TYPE IS NOT CLEARLY IDENTIFIED IN CODE; SECTION 304.25(D)(7) TO REMOVE "CAR AND TRUCK RENTAL LOTS" FROM THE TYPICAL USES SPECIFIED FOR AUTOMOTIVE AND EQUIPMENT, STORAGE OF OPERABLE VEHICLES" USE TYPE; SECTION 304.25 TO REQUIRE ALL PERMANENT COMMERCIAL USES TO CONSTRUCT A COMMERCIAL STRUCTURE; SECTION 304.25 TO INCLUDE CONVENTION FACILITIES AND WEDDING CHAPELS AS TYPICAL USES UNDER THE CONVENTION AND MEETING FACILITIES USE TYPE; TABLE 302.05.5 AND SECTION 304.35 TO CREATE A NEW USE TYPE COMMERCIAL ANIMAL SLAUGHTERING, MOBILE; AND SECTION 304.35**

**TO ALLOW SMALL SCALE PRODUCE SALES, FOR A MAXIMUM DURATION OF 30 DAYS IN ANY ONE CALENDAR YEAR IN ALL REGULATORY ZONES; TABLE 302.05.2 TO CHANGE PUBLIC SERVICE YARDS FROM A SPECIAL USE PERMIT REVIEWED BY THE PLANNING COMMISSION TO ONE REVIEWED BY THE BOARD OF ADJUSTMENT; TABLE 302.05.5 TO CHANGE COMMERCIAL ANIMAL SLAUGHTERING FROM A SPECIAL USE PERMIT REVIEWED BY THE PLANNING COMMISSION TO ONE REVIEWED BY THE BOARD OF ADJUSTMENT; TABLE 410.10.3 TO ADD PARKING STANDARDS FOR SENIOR CONTINUUM OF CARE FACILITIES; TABLE 410.10.5 TO ADD PARKING STANDARDS FOR COMMERCIAL ANIMAL SLAUGHTERING, MOBILE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO "** was introduced by Commissioner Breternitz, the title read to the Board and legal notice for final action of adoption directed.

**10-127            AGENDA ITEM 14 – WATER RESOURCES**

**Agenda Subject: “Acknowledge receipt of the Water Rate Review Study Report from Public Financial Management, Inc. (PFM); and presentation by PFM regarding the Five-Year Requirements and Schedule of Rates and Charges for water service within certain areas of Washoe County, which Schedule of Rates and Charges was previously adopted and implemented under Washoe County Ordinance No. 1411; and, discussion and possible authorization to continue implementation of said Schedule of Rates and Charges under Washoe County Ordinance No.1411. (All Commission Districts.)”**

Rosemary Menard, Water Resources Director, said previously the Board had directed staff to conduct an independent review for the rate-setting process and methodology. She indicated the County’s financial advisor, Public Financial Management, Inc. (PFM), was engaged to conduct that review and introduced John Bonow, PFM Managing Director. Mr. Bonow conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the Scope of PFM’s review, contextual considerations, County and Double Diamond rate consistency, revenue requirements, drive rates, rate adjustments and conclusions and suggestions.

Commissioner Larkin said given the possible consolidation with the Truckee Meadows Water Authority (TMWA), asked if the rates and assumptions were still reasonable and relevant. Mr. Bonow explained this needed to be fully melded with the finances of the two entities. He said the existing bonds of the County, on behalf of the Department of Water Resources (DWR), needed to be retired. He commented a full-fledged integration for financing purposes into TMWA was not yet possible. Mr. Bonow said his comments were if the water utility could be positioned so when that opportunity did arrive it fit well and resulted in an overall revenue picture of the consolidated entity.

Commissioner Larkin asked if the continuation of the temporary rate increases approved six months ago were still warranted. Mr. Bonow confirmed that was

the conclusion since there was the need to maintain the financial integrity of DWR. He said the revenue requirements had been evaluated inherent in the Rate Study; however, if there were other revenue requirements that materialized those would be incremental requirements, causing the water rate adjustments to be revisited.

Commissioner Larkin said the permanent rate increases were enacted and asked if those rate increases were necessary for the continuance of DWR and for the successful conclusion of the consolidation. Ms. Menard said absolutely. She said the emphasis was that DWR's water utility needed to be financially strong, stable and growing in the right direction in order for the combination with TMWA to come together so that TMWA's financial situation was not jeopardized.

There was no response to the call for public comment.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Agenda Item 14 be acknowledged.

**10-128      AGENDA ITEM 17 – DISTRICT ATTORNEY**

**Agenda Subject: “Discussion and possible approval of a stipulation and/or authorization to the District Attorney’s Office to enter into a stipulation to stay and possibly settle case number CV08-03523, Sally S. Weston et. al. vs. Washoe County et. al. The case concerns the county’s approval of the South Valleys Area Plan Update---Washoe Valley Portion (Washoe County planning case number CP08-005), on December 8, 2008, for property located within the territory of the South Valleys Area Plan outside the boundaries of the Truckee Meadows Service Area (TMSA). The stipulation was approved by the Regional Planning Governing Board at its meeting on January 14, 2010, and it has been signed by that board’s counsel, Norm Azevedo, and by Steve Mollath, counsel for the plaintiffs/petitioners in the case. Among other things, the stipulation would stay the proceedings to allow the location of the Washoe Valley/Pleasant Valley hydrographic basin boundary to be determined and to allow the plaintiffs’/petitioners’ existing TMSA boundary amendment application to be processed by the regional planning authorities and, if that application were granted, would result in a settlement and dismissal of the case among the Regional Planning Governing Board, Washoe County, and the plaintiffs/petitioners. The settlement would, among other things, result in changes to the county’s comprehensive plan that would leave the current MDR land use designation as to the entirety of the plaintiffs’/petitioners’ property, limit development north of the hydrographic basin line to 112 units, clarify that Rural Development Area restrictions would not apply north of the hydrographic basin line, and allow clustering of units north of the hydrographic basin line, which units would be serviced by municipal water and sewer services. (Commission District 2.)”**

Nathan Edwards, Deputy District Attorney, explained this was a stipulation approved by the Regional Planning Governing Board (RPGB). He said the

lawsuit had been consolidated between the Weston's, the County and the RPGB. He said the RPGB found the Board's decision from December 8, 2008 in conformance, prompting the lawsuit challenging the action. Mr. Edwards said staff had been embroiled in settlement negotiations for some time and indicated there was a "Motion to Dismiss" that had been tabled while settlement negotiations proceeded. He said the latest stipulation, approved by the RPGB, involved previous versions of settlement negotiations. Mr. Edwards described what was included in earlier versions of the stipulation as maintenance of open space south of the hydrographic basin line. He indicated the current version was simpler but contained differences. If approved, he said the stipulation would result in a stay of the proceedings while the Weston's attempted to determine the precise location of the hydrographic basin line. They would then proceed through Regional Planning authorities with their pending and already filed application to amend the Truckee Meadows Service Area (TMSA) boundary amendment. Mr. Edwards said if approved and the TMSA amendment was approved the new stipulation would allow the Weston's to cluster subdivision units north of the hydrographic basin line. He said if that application was granted it would allow municipal water and sewer services for 112 units. He said this stipulation contemplated retaining Medium Density Rural (MDR) land use/zoning designation. He indicated currently nothing smaller than 5-acre parcels was allowed. Mr. Edwards said this was a settlement proposal presented to the Board to either approve or deny. He remarked there was a statement in the stipulation included in paragraph 5 stating, "Washoe County, acting through its Board of County Commissioners, approved the substance of this stipulation at their October 27, 2009 meeting." He said that language was erroneous. Mr. Edwards explained if approved that statement would need to be stricken and would be noted to the RPGB, which had already included the elimination of the statement.

In response to the call for public comment, Thomas Hall, Attorney, representing the West Washoe Association, reviewed history regarding density choices for this property approved by the Board. He felt the Rural Development Area (RDA) designation was correct and was agreed upon by the applicant. Mr. Hall said it had been a "moving target" to consider what was before the Board by way of settlement and discussion. He said the appellants had appeared before the RPGB and it was stated that 109 units would be agreed to north of the hydrographic basin line and three new units south for the same density of 112 units, provided that south of the line was in a conservation easement and protected. Mr. Hall said it was brought back and noted that no conservation easement was wanted on the south. He said the settlement documents had been back and forth and came to a close settlement; however, the West Washoe Association moved to intervene and the Court allowed that intervention with the restriction the Association could not veto the settlement. Mr. Hall suggested that RDA was the proper zoning for the property. He believed the settlement gave special treatment to the Weston Group and felt that group did not deserve special treatment that others in Washoe Valley would not receive. He requested the settlement be rejected and noted he would be prepared to file a brief in support of Mr. Edwards and the County.

Edward York requested the Board reject the settlement agreement.

William Naylor, Washoe County Working Group, stated the Weston lawsuit put the process behind closed doors, shut the citizens out of that process and placed the focus on the lawsuit rather than the land use issue. He said the citizens wanted this settled and arrive at a compromise plan. He felt that compromise would give the Weston's 112 units north of the TMSA boundary, allow clustering, municipal water and sewer, stop the spread of septic tanks down on the MDR area, provide a buffer to stop the TMSA and create open space for all County citizens. However, that compromise was put forward and rejected. Mr. Naylor remarked the settlement proposal only benefited the Weston's and requested the Board reject the agreement.

Monica Frank stated she supported the comments made by Mr. Hall and Mr. Naylor. She said the settlement agreement did not support the work of the community. Ms. Frank remarked this was not a feud between Bob Rusk and Mr. Weston but was a process by the community to follow the vision set forth.

Ann York explained the objective of a master plan was to provide guidelines for developments. She stated this was a glorified mess because one developer had sued the County for his special interest. She felt this could act as a precedent for future lawsuits from other developers. Ms. York also agreed with the comments from Mr. Hall and Mr. Naylor and requested the Board reject the settlement agreement.

Bob Rusk said he was thankful for the on-going support from the Board; however, the RRGB did not see fit to support the actions of this Board. Mr. Rusk said there were several five-acre estate lots with the RDA classification that citizens had fought to maintain for five years. He said this case, coupled with the County's accommodations of granting the Weston's five-acre zoning, moved to an unprecedented agreement allowing the TMSA to vote for the parcel to have a maximum of 112 units in a clustered subdivision, which was not allowed in a rural development area.

Carol Christianson thanked the Board for their support. She submitted a letter, which was placed on file with the Clerk.

Commissioner Breternitz asked for clarification if the project was approved for 112 units in December 2008. Adrian Freund, Community Development Director, said the capacity of 112 units was based on theoretical densities over the entire property of 640 acres. Commissioner Breternitz said the initial proposal was to take the allocation of 112 units and move them north of the hydrological basin line and then reserve open space south of the hydrological basin line. Mr. Freund explained that was an earlier proposal that would have protected the area south, except for the existing Weston residence. Commissioner Breternitz said based on this proposal if the MDR zoning was applied to what was left on the south side of the hydrological basin line there could be 100 theoretical units added to the property. Mr. Freund replied because of internal roadways that took some space on the land it could be potentially 60 of the 112 units clustered on the north part. Commissioner Breternitz said if the Board agreed with the stipulation would that add to the developable number of units on this parcel. Mr. Freund stated if the TMSA were approved, and the clustering of 112 units was allowed north of



the hydrological basin line leaving the balance of the property at MDR, that would result in a significant increase of the development potential on the property.

Commissioner Breternitz asked what would occur if the Board chose not to agree with the stipulation. Mr. Edwards said it was his impression, if the Board did not approve the stipulation, Attorney Steven Mollath would voluntarily dismiss the case against Regional Planning, but continue the litigation with Washoe County. He said the TMSA application, which was already on file, would still be processed. Commissioner Breternitz asked if there would be a delay in the amendment process because of the issues not being resolved with the County. Mr. Edwards stated that would be a discretionary matter. He said whether this stipulation was approved or not, the RRGB could change the TMSA boundaries as it existed since that was part of the Regional Plan.

Commissioner Jung said in December 2008, the Board chose Option "C" that granted 112 units and also discussed the conservation area. Mr. Freund remarked the resolution was MDR zoning across the entire property with a potential yield of 112 units. He recalled there was some discussion about establishing a potential conservation buffer along the hydrological basin line in that vicinity, but not the recommendation of the plan itself.

Commissioner Jung asked if this was a precedent setting matter. Mr. Edwards said he viewed precedent as being binding on future bodies. Commissioner Jung asked if this was the first time the Board was in this situation to sign a stipulation based on land use planning. Melanie Foster, Legal Counsel, said the Board had settled lawsuits involving petitions for judicial review on land use matters. Ms. Foster stated the few times that had occurred, it had been based on the particular merits of a particular matter and whether the resolution reached was similar to what the Court decision might result. She said to be truly precedential there needed to be a binding published Appellant Court decision.

Chairman Humke said Mr. Naylor provided an excellent statement of the course of approval for the South Valleys Area Plan (SVAP). He said the stipulation gave the idea that south of the hydrographic basin line there was a great deal of development envisioned that was not envisioned by the citizens. Chairman Humke said the agreement provided clustering of 112 units to be clustered north of the hydrographic basin line. He asked if that took place or if that agreement was made because this parcel straddled the hydrologic basin. Mr. Rusk said he understood clustering would be on the north with the rest remaining open-space.

Chairman Humke asked for a description of the application made by Mr. Weston for the TMSA, particularly the date of that application. Mr. Freund indicated the TMSA application made with Regional Planning preceded June 30, 2007, which was an important date relating back to the Regional Plan Settlement. He said by proceeding that June 2007 date the TMSA amendment could be made without taking acreage from the County's reserve allocation. He said the application continued to be under that pre-June 30, 2007 rule and would continue to be processed under that rule. Chairman Humke

asked if the application was for the entire 640-acres or, once defined, to the land north of hydrographic basin line. Mr. Freund said the original application was for 640-acres, but in 2009 an amended application was provided to Regional Planning. As part of that application there was an agreement by the property owner conduct a survey to locate the high points of the watershed line, to define where the hydrographic basin line would be, which would be the line established as the TMSA in the application should that application proceed. Chairman Humke asked if that amended application comported with the general negotiation and the changing views of where the TMSA should go in the County or by limited application into Washoe Valley. Mr. Freund said currently the Regional Plan provided for either a TMSA with municipal services and higher densities or RDA, which was specifically limited in the Regional Plan to parcels no smaller than 5 acres. He said there had always been a standing assumption, absent an amendment, to the TMSA or an amendment to the Regional Plan that Washoe Valley and part of Pleasant Valley would stay in the RDA. Mr. Freund said the hypothetical view of using the watershed line was should there ever be availability of municipal services that would reduce the costs significantly for infrastructure as compared to having to pump through the back side of Washoe Valley to Pleasant Valley.

Chairman Humke said the citizens had suggested there be land dedicated as a conservation easement to serve as a buffer south of the hydrographic basin line. He asked if that did not take place in any settlement or court ruling, was it believed the developer would make an application for a TMSA on the balance of the 640 acres, either to the Board or the RPGB. Mr. Freund said that was a complicated hypothetical question. He said a private land trust or conservation easement was a good idea south of the hydrographic basin line. He said the practical side was that the County would not be able to prove up the acreage needed, which was part of the pre-June 30, 2007 application.

Chairman Humke invited Mr. Hall to comment on any of the questions or process that had been posed. Mr. Hall reiterated it was not his thought to veto, but to be an active participant; however, he was given a very limited role. He said if there was a stipulation by the Board or the RPGB it could be found that he was not a party. He felt as though the intervener's role was pushed to a small corner. Chairman Humke asked Mr. Hall what would be a motion that he would draft. Mr. Hall replied to reject the proposed settlement.

Commissioner Jung asked if the settlement were rejected, would Mr. Weston have the right to file a separate application before the Planning Commission and/or the Board. Mr. Edwards stated that was correct. Commissioner Jung said those would not result in a taking. Mr. Edwards agreed and noted in this case it was an alleged taking by the appellant and remarked that he had argued against that taking in the brief that was filed.

Commissioner Weber disclosed she had received numerous e-mails and comments concerning this issue. She explained legally the attorney-client meeting had to be behind closed doors. Unfortunately, she felt Washoe Valley residents would be the ones who would lose the most. Commissioner Weber said different versions were

constantly being presented by Mr. Mollath and believed the Board needed to defend the Washoe Valley property owners. She said residents had requested the Board be committed to the Area Plan and to all the work the citizens had completed in preserving the vision and the character of the community. She stated she would reject the settlement agreement and support the citizens and the residents.

Commissioner Breternitz agreed with Commissioner Weber. He said from the perspective of the Board and the RPGB the process had been frustrating. He said issues kept expanding to the benefit of the Weston Development Group. Commissioner Breternitz said he was supportive of many elements of the first proposal that came before the RPGB, but could not support the proposed settlement agreement. Commissioner Breternitz disclosed he had some meetings with property owners and received numerous e-mails and phone calls.

Commissioner Jung and Chairman Humke disclosed that they individually had correspondence and met with residents concerning this issue.

Ms. Foster reminded the Board as in these matters the ultimate risk could be some form of damages and a possible award of attorney fees.

On motion by Chairman Humke, seconded by Commissioner Breternitz, which motion duly carried, it was ordered that the proposed stipulation signed by Attorney Norman Azevedo and Attorney Steven Mollath be rejected. It was further ordered to continue negotiations with the same parties and to continue to defend the current active lawsuit.

#### **10-129      AGENDA ITEM 13 – FINANCE/MANAGER**

**Agenda Subject: “Recommendation to appoint two Washoe County Commissioners to the Recovery Zone Facility Bond Intergovernmental Subcommittee to accept, evaluate and potentially recommend private activity applications for allocation of the Recovery Zone Facility Bond Capacity authorized for the City of Reno and Washoe County. (All Commission Districts.)”**

Commissioner Larkin nominated Commissioner’s Jung and Breternitz to the Recovery Zone Facility Bond Intergovernmental Subcommittee.

Commissioner Weber suggested Chairman Humke serve on the Recovery Zone Facility Bond Intergovernmental Subcommittee. Chairman Humke indicated he was interested in the Subcommittee.

Commissioner Breternitz stated he would defer the nomination to Chairman Humke.

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 Chairman Humke and Commissioner Jung be appointed to the Recovery Zone Facility Bond Intergovernmental Subcommittee to accept, evaluate and potentially recommend private activity applications for allocation of the Recovery Zone Facility Bond Capacity authorized for the City of Reno and Washoe County.

**10-130            AGENDA ITEM 19 – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Discussion and possible direction to staff regarding legislative interim committees, studies and reports of the Nevada Legislature, including but not limited to the Legislative Review of Nevada's Revenue Structure, the Legislative Interim Study on Powers Delegated to Local Governments, the Legislative requirement that certain local governmental entities submit a report to the Legislature concerning the consolidation or reorganization of certain functions, and such other legislative committees, studies, reports and possible bill draft requests as may be deemed by the Chair or the Board to be of critical significance to Washoe County. (All Commission Districts.)”

Katy Simon, County Manager, indicated that John Slaughter, Management Services Director, was in Carson City. She explained a written report would be distributed to the Board.

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

**AGENDA ITEM 23 – CLOSED SESSION**

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

**1:23 p.m.**        On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, the Board recessed to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**6:05 p.m.**        The Board reconvened with all members present.

**10-131            AGENDA ITEM 20 – COMMUNITY DEVELOPMENT**

**Agenda Subject:** “Second reading and adoption of Ordinance amending the Washoe County Code at Chapter 110, Article 324, by eliminating the requirement for retaining a technical expert to perform a technical review on requests for building permits for facilities under section 110.324.45, 110.324.50, 110.324.55 or other technical review requirements; and removing the public noticing requirement for building permits for wireless communication facilities in 110.324.60(c) and

**providing other matters properly relating thereto (Bill No. 1611). (All Commission Districts.)”**

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

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1611, Bill No. 1432, entitled, **"AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110, ARTICLE 324, BY ELIMINATING THE REQUIREMENT FOR RETAINING A TECHNICAL EXPERT TO PERFORM A TECHNICAL REVIEW ON REQUESTS FOR BUILDING PERMITS FOR FACILITIES UNDER SECTION 110.324.45, 110.324.50, 110.324.55 OR OTHER TECHNICAL REVIEW REQUIREMENTS; AND REMOVING THE PUBLIC NOTICING REQUIREMENT FOR BUILDING PERMITS FOR WIRELESS COMMUNICATION FACILITIES IN 110.324.60(C) AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO** be approved, adopted and published in accordance with NRS 244.100.

**10-132            AGENDA ITEM 21 – COMMUNITY DEVELOPMENT**

**Agenda Subject: “A request to amend the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate a portion of Assessor's Parcel Number 041-051-31 (±8.40-acres) from the land use category of General Rural (GR) to High Density Rural (HDR), approximately ±6.31 acres. The subject property is located at 4900 Neeser Lane, just south of Plateau and northwest of Caughlin Pkwy. The subject parcel is within the unincorporated portion of the Washoe County Truckee Meadows Services Area (TMSA) and within the City of Reno’s Area of Interest, as identified on Map 7 of the 2007 Truckee Meadows Regional Plan. The subject parcel is located within Section 20, T19N, R19E, MDM, Washoe County, Nevada. The property is within Washoe County Commission District 1 and within the Verdi Township/West Truckee Meadows 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 if approved, authorize the Chair to sign the Resolution of the updated area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.”**

Chairman Humke opened the public hearing.

Sandra Monsalvè conducted a PowerPoint presentation, which was placed on file with the Clerk, highlighting the request, adopted land use and proposed site specifics, area plan compliance, supported area plan policies, compatibility, anatomy of a

comprehensive plan amendment, citizen input, agency comments and the recommendation.

Brita Tryggvi, CFA Associates, stated she agreed with staff comments. She indicated she met with the Caughlin Ranch Homeowners Association (HOA), which was south of the subject property and noted their concerns were addressed. Ms. Tryggvi stated she also met with the HOA for Eagle's Nest and confirmed their questions were addressed and both HOA's welcomed the applicant to the area.

The Chairman closed the public hearing.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 21 be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**10-133            AGENDA ITEM 22 – REPORTS AND UPDATES**

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

Commissioner Weber announced the Old Northwest Neighborhood Advisory Board (NAB) meeting was scheduled for February 11, 2010 and the Verdi-Truckee Meadows Citizen Advisory Board (CAB) meeting was scheduled for February 10, 2010. Commissioner Weber stated there was a Legislative Committee meeting scheduled for February 13, 2010.

Commissioner Breternitz suggested Reno City Councilmembers attend the CAB's in a rotation such as the Commissioners attend the NAB's to show collaboration. Commissioner Weber stated in the past it was shared that Councilmembers needed to be invited by the CAB's.

Commissioner Jung stated a contingent from the Country of Mesodonia would visit to review the County's form of government. She said scheduled for February 12, 2010 was a fundraiser for Sky Tavern. Commissioner Jung indicated on February 16, 2010 she would speak to Scenic Nevada concerning billboard ordinances.

Chairman Humke said he would attend the Flood Project Coordinating Committee (FPCC) retreat on February 12, 2010 and the Reno-Sparks Convention and Visitors Authority (RSCVA) Finance Committee meeting on February 10, 2010.

## **COMMUNICATIONS:**

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

- 10-134** Letter from David Creekman, Chief Deputy District Attorney, dated January 19, 2010 regarding the summary of all claims made against the Nevada Tahoe Conservation District for tortious conduct for the calendar year 2009.
- 10-135** Agreement between the County of Washoe, State of Nevada, and the Non-Supervisory Employees Negotiating Unit of the Washoe County Employees Association 2008 – 2009. (From the BCC meeting of February 24, 2009, Agenda Item #21, Minute Item 09-183.)
- 10-136** Agreement between the County of Washoe, State of Nevada, and the Supervisory-Administrative Employees Negotiating Unit of the Washoe County Employees Association 2008 – 2009. (From the BCC meeting of February 24, 2009, Agenda Item #21, Minute Item 09-183.)

## **REPORTS – QUARTERLY**

- 10-137** Clerk of the Court, Quarterly Financial Statement for the Quarter ending December 2009.
- 10-138** County Clerk's Quarterly Financial Statement for the Quarter ending December 31, 2009.
- 10-139** Justice's Court of Sparks Township, Quarterly Report of Revenues Received for the Quarter ending December 31, 2009.
- 10-140** Office of the Constable, Incline Village/Crystal Bay Township, Quarterly Report of Revenues Received for the Quarter ending December 31, 2009.

\* \* \* \* \*

**ADJOURNMENT**

**6:21 p.m.** There being no further business to discuss, on motion by Commissioner Breternitz seconded by Commissioner Jung, 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  
Stacy Gonzales, Deputy County Clerk*



## PROCLAMATION

**WHEREAS**, Washoe County is located in the heart of "Earthquake Country" and the State of Nevada is the third most seismic state in the continental U.S. with thousands of faults, many of which can be found in close proximity to highly populated areas of Washoe County; and

**WHEREAS**, Awareness and preparation are the most important steps individuals, families and businesses can take to help lessen panic, reduce damage and potentially save lives in the event of a major earthquake; and

**WHEREAS**, Most of the information needed for residents to prepare themselves is available locally through the Washoe County Emergency Management Program, the University of Nevada Reno Seismology Lab and the Nevada Bureau of Mines and Geology; and

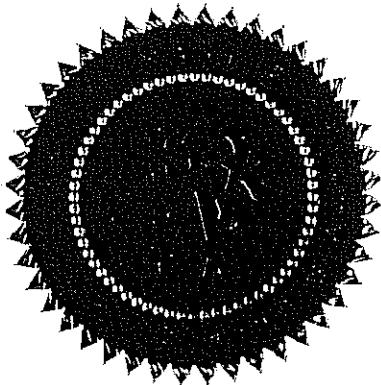
**WHEREAS**, Even though earthquake education information is easily available, and effective earthquake preparation is a relatively inexpensive process that only requires a few simple steps, most residents have not prepared and educated themselves, their families or their workplace; and

**WHEREAS**, The purpose of Earthquake Awareness Week is bring the issue of earthquake preparedness to the forefront because earthquakes are likely in this area and remind residents that they can truly save lives and reduce injuries and damage by having a disaster plan and disaster supply kit in place before an earthquake strikes; and

**WHEREAS**, Residents are encouraged to use Earthquake Awareness Week as an incentive to take these steps immediately so that they are able to respond knowledgeably and with a degree of confidence once the shaking begins; now, therefore, be it

**PROCLAIMED**, By the Washoe County Board of Commissioners that February 21st through 27th is **Earthquake Awareness Week** for the purpose of helping to reduce damage, injuries and loss of life during and after an earthquake through preparation.

Adopted this 9<sup>th</sup> day of February 2010.



A handwritten signature in black ink, appearing to read "David E. Humke", is written over a horizontal line.

David E. Humke, Chairman  
Washoe County Commission

10-109

## RESOLUTION

**WHEREAS**, Waste Management held the first of four "Residential Dump Days" at two transfer stations in Reno on January 1<sup>st</sup> and 2<sup>nd</sup> of this year; and

**WHEREAS**, All Washoe County residents were encouraged to use this as an opportunity to properly dispose of their unwanted municipal solid waste at a reduced rate, and specific household appliances and furniture at no charge; and

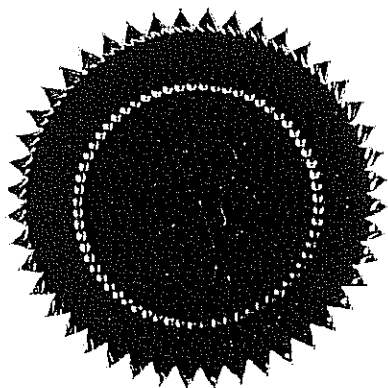
**WHEREAS**, The goal of the event was to help Washoe County residents clean up their homes and communities and reduce the amount of illegal dumping in the area; and

**WHEREAS**, The event was successful with 1,755 household appliances and furniture pieces from 771 residential vehicles throughout Washoe County participating, possibly diverting more than 200 tons of material from illegal dumping in our open spaces; and

**WHEREAS**, Waste Management worked in partnership with Washoe County's Community Relations' staff, the Washoe County Sheriff's Office, Keep Truckee Meadows Beautiful and the Illegal Dumping Task Force to plan and coordinate the event and received promotional support from the cities of Reno and Sparks; now, therefore, be it

**RESOLVED**, That the Washoe County Commission hereby recognizes the community partnership between all the aforementioned agencies and congratulates them on a successful "Residential Dump Days" event benefitting our community's quality of life.

**ADOPTED** this 9<sup>th</sup> day of February, 2010.



David E. Humke, Chairman  
Washoe County Commission

10-110

Summary - a resolution authorizing the County Finance Director to arrange for the sale of the Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010A (Tax-Exempt), Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010B (Taxable Direct Pay Build America Bonds) and Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010C (Taxable Recovery Zone Economic Development Bonds).

**RESOLUTION NO \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE COUNTY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE WASHOE COUNTY, NEVADA, HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2010A (TAX-EXEMPT), HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2010B (TAXABLE DIRECT PAY BUILD AMERICA BONDS) AND HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES 2010C (TAXABLE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS) FOR THE PURPOSE OF FINANCING STREET AND HIGHWAY CONSTRUCTION WITHIN THE COUNTY; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners (the "Board") of Washoe County, Nevada, (the "County," and the "State," respectively), proposes to issue up to \$90,000,000 of highway revenue bonds of the County in one or more series (the "Bonds") for the purpose of paying all or a portion of the cost of acquiring, constructing, improving and equipping of building projects, including, but not limited to major street and highway construction (the "Project"); and

**WHEREAS**, such Bonds will be secured by and payable from the net revenues of an excise tax of nine cents (9 cents) per gallon on all motor vehicle fuel sold, distributed or used in the County, certain taxes levied pursuant to paragraph (d) of subsection 1 of NRS 373.065 on all motor vehicle fuel sold, distributed or used in the County and certain taxes levied pursuant to paragraphs (d) to (m), inclusive, of subsection 1 of section 3 of Chapter 501, Statutes of Nevada 2009 on certain special fuels sold, distributed or used in the County (subject to certain exceptions) (the "Pledged Revenues"); and

**WHEREAS**, the Board determines that it is necessary and advisable that the County incur a bonded indebtedness pursuant to NRS 373.010 through 373.200, inclusive (the "Project Act")

and the Local Government Securities Act, NRS 350.500 to 350.720, inclusive (the "Bond Act"), for the purpose of paying all or a portion of the cost of the Project.

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

Section 1. This resolution shall be known and may be cited by the short title "2010 Highway Revenue Bond Sale Resolution."

Section 2. The County Finance Director or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in a total aggregate principal amount of not more than \$90,000,000, in accordance with the Project Act and the Bond Act.

Section 3. The County Finance Director or his designee is authorized to specify the terms of the Bonds, the methods of their sale, the final principal amount of the Bonds (in combined aggregate principal amount not in excess of \$90,000,000), the terms of their repayment and security therefor, and other details of the Bonds, and if deemed appropriate by the County Finance Director or his designee, to advertise the Bonds for sale, subject to the ratification by the Board by the adoption of a bond ordinance or ordinances specifying the Bond terms and details and approving their sale (the "Ordinance").

Section 4. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, assembling of financial and other information concerning the County, the Project, the Pledged Revenues and the Bonds, and, if deemed appropriate by the Finance Director or his designee, preparing and circulating a preliminary official statement, the bond purchase agreement with Citigroup Global Markets Inc. and J.P. Morgan Securities Inc., as the underwriters for the Bonds, or both, in the forms specified by the Finance Director, or his designee. The Finance Director or his designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15(c)2-12 of the Securities and Exchange Commission.

Section 5. The Finance Director shall, after arranging for the sale of the Bonds, present the proposed final terms of the Bonds to the Board for its approval by adoption of the Ordinance.


Section 6. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 8. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 9. This resolution shall become effective and be in force immediately upon its adoption.

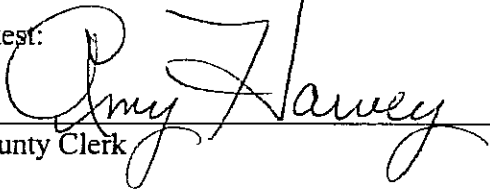
PASSED AND APPROVED this February 9, 2010.



Chair

(SEAL)

Attest:



County Clerk



The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on February 9, 2010.

2. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted no later than 9:00 a.m. on the third working day prior to the meeting, on the County's website, and at the following locations:

- (i) Washoe County Administration Complex  
1001 East Ninth Street, Building A  
Reno, Nevada
- (ii) Washoe County Courthouse-Clerk's Office  
Virginia and Court Streets  
Reno, Nevada
- (iii) Washoe County Central Library  
301 South Center Street  
Reno, Nevada
- (iv) Sparks Justice Court  
630 Greenbrae Drive  
Sparks, Nevada

is attached as Exhibit A.

3. Prior to 9:00 a.m. at least 3 working days before such meetings, such notice was mailed to each person, if any, who has requested notice of meetings of the board in compliance with NRS 241.030(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

**IN WITNESS WHEREOF**, I have hereunto set my hand this February 9, 2010.

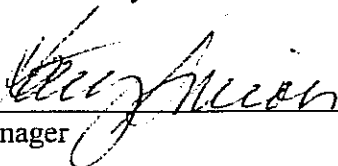
  
\_\_\_\_\_  
Manager

EXHIBIT A

(Attach Copy of Notice of Meeting)



**COUNTY COMMISSIONERS**

David Humke, Chairman  
Bonnie Weber, Vice-Chairman  
John Breternitz  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada**

**February 9, 2010  
10:00 a.m.**

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

**Public Comment** during the Commission Meeting on February 9, 2010 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: **"\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda"**.

13. Recommendation to appoint two Washoe County Commissioners to the Recovery Zone Facility Bond Intergovernmental Subcommittee to accept, evaluate and potentially recommend private activity applications for allocation of the Recovery Zone Facility Bond Capacity authorized for the City of Reno and Washoe County--Finance/Manager. (All Commission Districts.)
14. Acknowledge receipt of the Water Rate Review Study Report from Public Financial Management, Inc. (PFM); and presentation by PFM regarding the Five-Year Requirements and Schedule of Rates and Charges for water service within certain areas of Washoe County, which Schedule of Rates and Charges was previously adopted and implemented under Washoe County Ordinance No. 1411; and, discussion and possible authorization to continue implementation of said Schedule of Rates and Charges under Washoe County Ordinance No. 1411--Water Resources. (All Commission Districts.)
15. Recommendation that the Board of County Commissioners approve a Resolution authorizing the County Finance Director to arrange for the sale of the Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010A (tax-exempt), Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010B (taxable direct pay Build America Bonds) and Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010C (taxable Recovery Zone Economic Development Bonds) for the purpose of financing street and highway construction within the County; and providing other details in connection therewith; and if approved, authorize Chairman to execute Resolution--Regional Transportation Commission. (All Commission Districts.)
16. Recommendation that the Board of County Commissioners approve and execute an Ordinance authorizing the issuance by Washoe County of its fully registered Washoe County, Nevada, Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010A (tax-exempt), Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010B (taxable direct pay Build America Bonds) and Highway Revenue (Motor Vehicle Fuel Tax) Bonds, Series 2010C (taxable Recovery Zone Economic Development Bonds) in the combined maximum aggregate principal amount of \$90,000,000 for the purpose of financing street and highway construction within the County and improvements incidental thereto; providing the form, terms and conditions of the bonds and the security therefor, and other details in connection therewith; providing for its adoption as if an emergency exists; and providing the effective date hereof--Regional Transportation Commission. (All Commission Districts.)



**WASHOE COUNTY COMMISSION**

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

**RESOLUTION  
ADOPTING THE AMENDMENT TO THE  
SOUTHWEST TRUCKEE MEADOWS AREA PLAN (CP09-007),  
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 SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on May 5, 2009 by said Planning Commission;

WHEREAS, The Washoe County Planning Commission has found that the SOUTHWEST TRUCKEE MEADOWS 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 SOUTHWEST TRUCKEE MEADOWS 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 SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN being held on \_\_\_\_\_, 2010 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 SOUTHWEST TRUCKEE MEADOWS 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;

**EXHIBIT A**

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, were first held on October 23, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN being held on \_\_\_\_\_, 2010 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 SOUTHWEST TRUCKEE MEADOWS 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 SOUTHWEST TRUCKEE MEADOWS 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 \_\_\_\_\_, 2010.

WASHOE COUNTY COMMISSION

David E. Humke, Chair

ATTEST:

Amy Harvey, County Clerk