

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

TUESDAY

10:00 A.M.

OCTOBER 9, 2012

PRESENT:

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

**Nancy Parent, Chief Deputy Clerk (10:01 a.m. – 1:25 p.m.)**

**Amy Harvey, County Clerk (3:12 p.m. - 5:25 p.m.)**

**John Berkich, Assistant County Manager**

**Paul Lipparelli, Legal Counsel**

The Washoe County Board of Commissioners convened at 10:01 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:

**12-939      AGENDA ITEM 3 – 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.”

Donna Clontz spoke on a ballot initiative in regard to Senior Services that would be on the upcoming November election. She said WC-2 would allow for 1 percent of the General Services Tax (GST) to be used for Senior Services.

Sam Dehne spoke on his meeting attendance over the years. He also discussed several items listed on the consent agenda.

**\*10:06 a.m.** Commissioner Humke arrived.

Barbara Deavers echoed the comments made by Ms. Clontz. She announced that a candidate’s forum was scheduled for October 12, 2012 in the Senior Center.

**12-940            AGENDA ITEM 4 – ANNOUNCEMENTS**

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

John Berkich, Assistant County Manager, stated that Agenda Items 22 and 23 would be heard after the Board returned from their closed session.

Commissioner Weber requested a presentation from Elko County Commissioner Demar Dahl regarding a recent Nevada Association of Counties (NACO) meeting.

Commissioner Humke requested an update on an initiative that repurchased park land by a private entity in the Spanish Springs area. He announced that he had recently been appointed to the Western Nevada Development District (WNDD) and noted their meeting was scheduled for this afternoon. He said he would attempt to attend, but due to the length of this Commission meeting he was unsure if that would happen.

Commissioner Jung requested a future agenda item regarding SB 299, which required all counties to adopt an ordinance for certain licensing and permitting requirements and standards for breeders. She said that duty had not been fulfilled by the County.

Chairman Larkin requested a presentation in regard to the Wright Brothers Master Pilot award. He explained this was a very prestigious award and noted that a local pilot would be presented this honor.

**12-941            AGENDA ITEM 5 - PROCLAMATION**

**Agenda Subject: “Proclamation--November 1, 2012 as International Project Management Day in Washoe County. (All Commission Districts.)”**

Commissioner Jung read and presented the Proclamation to Wynnlee Crisp, International Project Management Day Director. Mr. Crisp thanked the Board for their Proclamation and distributed a handout that explained the celebration that was planned for International Project Management Day. He said the purpose of this day was to recognize project managers who controlled scarce resources such as time, money and human talent.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 5 be adopted.

**12-942      AGENDA ITEM 6 - PROCLAMATION**

**Agenda Subject: “Proclamation--October 2012 as National Dignity and Respect Month in Washoe County. (All Commission Districts.) Requested by Commissioner Weber.”**

Commissioner Weber stated that promoting the *Dignity and Respect Campaign* could make the world a better place for all people to live with their differences. She said dignity and respect were critical to embracing diversity and promoting inclusion in the workplace, anti-bullying in schools and community unity. Commissioner Weber read the Proclamation and asked the community and her fellow Board members to take the pledge that promoted Dignity and Respect.

In response to the call for public comment, Sam Dehne supported the Proclamation.

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

**CONSENT AGENDA**

**12-943      AGENDA ITEM 7A**

**Agenda Subject: “Approve minutes for the Board of County Commissioners' September 11, 2012 meeting and September 10, 2012 joint meeting.”**

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.

**12-944      AGENDA ITEM 7B**

**Agenda Subject: “Cancel October 16, 2012 County Commission meeting.”**

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.

**12-945            AGENDA ITEM 7C - ASSESSOR**

**Agenda Subject:** “Acknowledge receipt of Change Log for the 2012/2013 Assessment Roll [net increase of \$126,032,326] in assessed values. (Copy of Change Log on file in County Manager's Office). (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 acknowledged.

**12-946            AGENDA ITEM 7D – HEALTH DISTRICT**

**Agenda Subject:** “Approve amendments [increase of \$51,313] in both revenue and expense to the FY 13 Assistant Secretary for Preparedness and Response (ASPR) Hospital Preparedness Federal Grant Program, IO 10708; and, if approved, direct the Finance Department to make the appropriate 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 7D be approved and directed.

**12-947            AGENDA ITEM 7E – MANAGEMENT SERVICES**

**Agenda Subject:** “Approve 2012 Annual Operating Plan for Cooperative Fire Protection Agreement between Bureau of Land Management, Carson City District Office, Winnemucca District Office, Norcal District, Susanville, California and Washoe County, State of Nevada. (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.

**12-948            AGENDA ITEM 7F(1) – COMMUNITY SERVICES/PARKS**

**Agenda Subject:** “Approve reappointment of Mr. Ed Harney to the Open Space and Regional Parks Commission (July 1, 2012 to June 30, 2016). (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 Mr. Ed Harney be reappointed to the Open Space and Regional Parks Commission for a term starting July 1, 2012 and ending June 30, 2016.

**12-949            AGENDA ITEM 7F(2) – COMMUNITY SERVICES/PARKS**

**Agenda Subject: “Approve a resolution declaring Washoe County’s intent, and its decision to lease a portion of APN 142-011-07 to Clear Channel Outdoor Inc., as authorized within NRS 244.2833 and other matters properly related thereto; retroactive to October 1, 2011 for a 24-month term; and if approved, schedule Lease Agreement for October 23, 2012 to allow for any objections related to the proposed lease by and between Washoe County (Lessor) and Clear Channel Outdoor Inc. (Lessee) and further direct the Clerk’s office to provide notice thereof. (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 7F(2) be approved and directed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**12-950            AGENDA ITEM 7F(4) – WATER RESOURCES**

**Agenda Subject: “Approve the Water Rights Deed transferring 6.06 acre-feet of water rights from Washoe County to Gary D. and Leta Kaye Bader. (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 7F(4) be approved.

**12-951            AGENDA ITEM 7G – SENIOR SERVICES**

**Agenda Subject: “Accept grant award [\$34,000, with \$6,001 County match] from the State of Nevada Aging and Disability Services Division, retroactively for the period of September 30, 2012 through March 29, 2013 for the Home Delivered Meals Program to purchase a new meal delivery truck; and, if approved, direct the Finance Department to make the appropriate 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 approved and directed.

**12-952            AGENDA ITEM 7H(1) - SHERIFF**

**Agenda Subject: Accept donation [\$120] from Sierra Nevada Border Collie Club to the Washoe County Sheriff's Office to purchase equipment for the K9 Unit; and, if accepted, authorize Finance to make appropriate budget adjustments. (All Commission Districts.)"**

On behalf of the Board, Commissioner Jung thanked the Sierra Nevada Border Collie Club 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, it was ordered that Agenda Item 7H(1) be accepted and authorized.

**12-953            AGENDA ITEM 7H(2) - SHERIFF**

**Agenda Subject: "Authorize Sheriff Michael Haley, or his designee, to sign a Memorandum of Understanding (MOU) among the Counties of Plumas, Lassen, Sierra and Washoe for the purpose of participating in a multi-agency disaster exercise on October 18, 2012. The MOU proposed by Plumas County will allow Washoe County to be reimbursed for costs [not to exceed \$5,000] directly related to the exercise. (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 7H(2) be authorized.

**12-954            AGENDA ITEM 7I(1) - TREASURER**

**Agenda Subject: "Approve request to increase change fund from \$100 to \$300 for Incline Justice Court; and, if approved, authorize Chairman to execute Resolution for same. (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 7I(1) be approved, authorized and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**12-955            AGENDA ITEM 7I(2) - TREASURER**

**Agenda Subject: “Authorize Washoe County Treasurer to auction all newly delinquent lands held in trust for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property with the exception of those parcels listed on Exhibit “A” and approve and execute the Resolution authorizing the Washoe County Treasurer to transfer to other Governmental entities, real property held in trust due to property tax delinquencies and other matters properly related thereto. (Tax Delinquent Property List 2012 on file in County Manager’s Office). (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 7I(2) be authorized, approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

**12-956            AGENDA ITEM 7F(3) – COMMUNITY SERVICES/WATER RESOURCES**

**Agenda Subject: “Approve the Truckee Canyon Water Facilities Dedication and Transfer Agreement and the Washoe County Water System Facilities Reimbursement Agreement between Washoe County and the Truckee Canyon Water Company [\$23,156.94 – Water Resources Enterprise fund]. (Commission District 4.)”**

Joe Howard, Department of Water Resources Acting Engineering Manager, explained that the Truckee Canyon Water System was located near Mustang, built by private enterprise a number of years ago and dedicated to the County. He said there had been plans to expand the Water System as properties were being sold in the area, but fire flow requirements had changed. He said the developers were now required to build additional facilities that included a 716,000 gallon water storage tank and approximately 5,100 feet of transmission main to increase the water system’s capacity in order to provide water service to specific properties. Over the course of time, he explained that staff had reached an agreement to accept the tank and the water lines.

Commissioner Humke asked if this was a water-related County asset and if the system would become part of the Truckee Meadows Water Authority (TMWA) after the merger. Mr. Howard replied that the system was part of the County’s water systems, which would all become part of TMWA after the merger.

Commissioner Breternitz said TMWA had been part of the discussions related to this topic. He was concerned this might have a negative effect on the consolidation of the two entities; however, he had been assured by Community Services Director Rosemary Menard that it would not have a negative effect.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 7F(3) be approved.

### **BLOCK VOTE**

The following agenda items were consolidated and voted on in a block vote: Agenda Items 12, 13, and 15.

#### **12-957      AGENDA ITEM 12 – SENIOR SERVICES**

**Agenda Subject: “Recommendation to accept Nutrition Grant Awards from the State of Nevada Aging and Disability Services Division [\$286,200 with \$50,512 County match] for the Home Delivered Meals Program and [\$230,560 with \$40,692 County match] for the Congregate Meals Program retroactively to September 30, 2012 through September 29, 2013; and if accepted, authorize the Chairman to sign the Notifications of Grant Award and direct the Finance Department to make the appropriate budget adjustments. (All Commission Districts.)”**

There was no public comment on this item.

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

#### **12-958      AGENDA ITEM 13 – COMMUNITY SERVICES/PUBLIC WORKS**

**Agenda Subject: “Recommendation to award bid and approve agreement for the “Washoe County Assessor Staff Consolidation and Relocation” project to Sullivan Structures, Inc., the lowest responsive, responsible bidder [\$178,910 - Capital Facilities Tax Fund]. (Commission District 3.)”**

There was no public comment on this item.

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

#### **12-959      AGENDA ITEM 15 – COMMUNITY SERVICES/WATER RESOURCES**

**Agenda Subject: “Recommendation to authorize the Community Services Department to advertise and solicit bid proposals for the following projects: 1) Tank Rehab/Recoat Program \$100,000; 2) Lemmon Valley Water Reclamation Facility Improvements \$200,000; 3) Well Maintenance and Repair Program \$150,000; 4)**

**Dorothy Towne Lift Station Improvements \$200,000[\$650,000 Funding source is the water and sewer user rates]. (Commission Districts 2, 4 & 5.)”**

There was no public comment on this item.

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

**12-960            AGENDA ITEM 11 - LIBRARY**

**Agenda Subject: “Presentation regarding Washoe County Library System as a Partner in Workforce Development. (All Commission Districts.) Requested by Commissioner Jung.”**

Corinne Dickman, Managing Librarian Sparks Branch, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted the Washoe County Library System as a partner in Workforce Development. The presentation included the project compass and compass goals, the vision, services, connectivity, and online resources.

Commissioner Weber suggested this presentation be brought before the Nevadaworks Board.

Commissioner Jung also suggested the presentation be given to the local colleges and the Washoe County School District. She thanked all the librarians for everything they did for the community.

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

**12-961            AGENDA ITEM 14 – COMMUNITY SERVICES/PARKS**

**Agenda Subject: “Recommendation to accept grant [\$150,000] from the William N. Pennington Foundation for the renovation of the Bowers Pool at Bowers Mansion Regional Park; authorize the Community Services Department (Regional Parks and Open Space) to request proposals(RFP) for selection of a qualified contractor to construct the project not to exceed the value of the grant; approve seasonal/pooled lifeguards, concession attendants and an aquatics supervisor position for the 2013 summer operating season; approve use of contingency funds to fill the gap between earned income and expense [estimated net annual loss of \$11,625]; authorize the Director of the Community Services Department to sign the grant agreement and all associated documents on behalf of the County; and authorize the Finance Department to make all appropriate budget adjustments. (Commission District 2.)”**

Al Rogers, Regional Parks and Open Space Director, noted that this item was heard by the Open Space and Regional Park Commission, which voted unanimously to approve the recommendation to the County Commissioners. He explained that the

Bowers Mansion Pool was closed in 2009 due to the financial subsidy for that facility. He noted that the Sun Valley Pool was also recommended for closure in 2009, but the subsidy varied between \$32,000 and \$55,000 because of different staffing and amenities. He said the Pennington Foundation came forward, not specifically for the Bowers Mansion Pool, and asked staff to identify potential ready-to-go projects for the Foundation to consider. He stated the Pennington Foundation then chose the Bowers Mansion Pool and determined it would take \$150,000 to renovate the existing structure. He explained the four-year average net annual operating impact had been an \$11,625 loss, which would be taken into consideration when recommending admission fees for the Pool. In discussions with the Pennington Foundation, he said they were excited for future projects throughout the County.

Commissioner Weber said this was a great opportunity and hoped that the Pool would be open for the next season. Mr. Rogers stated the grant was very specific for the operation of the 2013 season, but staff would also review this for a long-term operation. Commissioner Weber asked if fund-raising could be considered to replace the annual losses. Mr. Rogers stated that option was approached at the Parks Commission meeting. He remarked in the three-year hiatus of the Bowers Pool and the Bowers Mansion, rentals of the picnic facilities had decreased 15 to 20 percent.

Commissioner Jung asked if the residents of Sun Valley taxed themselves the equivalent of the estimated \$32,000 to \$55,000 deficit. Mr. Rogers understood that the initial rate established by the Sun Valley General Improvement District (SVGID) was not commensurate with the operation or the deficit of the Pool, but was a number determined for the operation of all their parks. Commissioner Jung questioned the number of rentals at the other County parks during the recent economy. Mr. Rogers replied that the rentals had decreased in a number of facilities, but not as much as the Bowers Mansion facility.

Commissioner Jung stated she would not support this item. She felt it was very generous of the Pennington Foundation, but believed it was unfair to the Sun Valley residents who paid their own taxes for the last three years to ensure they could keep their pools and parks open. She stated they were a community that had far less means, but knew the importance to step up and pay for themselves. She thought it was unfair for the Board to subsidize the Bowers facility after Sun Valley residents were asked to take that on themselves.

Chairman Larkin asked if a demographic origin study had been completed for the Bowers Pool and if it were considered a community pool or a destination pool. Mr. Rogers replied that he did not have any statistical data to support that question, but in terms of a historical timeframe, the facility was framed as a destination regional park verses a community park. Chairman Larkin inquired on the plan to close the annual deficit. Mr. Rogers replied there was not a definitive plan, but in terms of addressing the subsidy as it currently stood, staff felt that a revisit to the fee structure was appropriate. Chairman Larkin asked if there were any restrictions on the grant. Mr. Rogers replied that the Foundation honed in on this project because no other projects were "shovel-ready" or

in such a state of repair where the money could be utilized. He said other projects would be developed in the future since the Pennington Foundation indicated they would work with the County and had an increased amount of funding available for northern Nevada. Chairman Larkin indicated that the grant did not have to be paid back after the 2013 season. Mr. Rogers stated that was correct.

In reference to the matrix on page three of the staff report that listed the expenses for the upcoming year, Commissioner Humke asked why those were at an elevated cost over the deficit that normally existed. Mr. Rogers said the costs associated were for Fiscal Year 2013 and were start-up costs. The costs through the end of the Fiscal Year had the expectation that the revenue collected in that short amount of time would be the offset. Commissioner Humke asked if there were discounted fees for younger children and/or senior citizens. Mr. Rogers explained that the historical fee model had been a tiered system for adults, senior citizens and children. However, those fees would be revisited in terms of the model and the appropriate increase. Commissioner Humke asked if a drop off in attendance was anticipated if the fees were raised. Mr. Rogers said that would have to be determined to ensure that price point was appropriate and not over extended. Commissioner Humke asked if the Parks Commission considered a fee increase to operate without a projected deficit. Mr. Rogers stated that a fee was not discussed, but would be considered prior to the season. Commissioner Humke said there could be a possibility of swimming lessons and asked where children took those lessons now without any County facilities. With the reduction of pools, Mr. Rogers explained there had been a migration of that program into the private element.

Commissioner Breternitz supported the acceptance of the grant. He said a philanthropic organization that was a private entity had a right to choose the elements they wanted to support and a dangerous precedent could be set if the County did not accept those funds.

Commissioner Jung asked where the subsidy came from. Mr. Rogers replied that would be identified through the Contingency Fund. Commissioner Jung was thankful for the Foundations generous grant, but believed staff did not make the correct recommendation for the funds.

In response to the call for public comment, Garth Elliott indicated he was a Sun Valley resident and agreed with Commissioner Jung. He said the Sun Valley residents stepped forward and agreed to increase their taxes for their pool and parks. He felt an approval for the grant was grossly unfair to the Sun Valley residents.

Commissioner Humke moved to accept the \$150,000 grant from the William N. Pennington Foundation for the renovation of the Bowers Pool at the Bowers Mansion Regional Park; authorize the Community Services Department (Regional Parks and Open Space) to request a Request for Proposal (RFP) for selection of a qualified contractor to construct the project not to exceed the value of the grant; approve seasonal/pooled lifeguards, concession attendants and an aquatics supervisor position for the 2013 summer operating season; approve the use of contingency funds to fill the gap

between earned income and expenses (estimated net annual loss of \$11,625); authorize the director of the Community Services Department to sign the grant agreement and all associated documents on behalf of the County; and, authorize the Finance Department to make all appropriate budget adjustments. It was further ordered that the Regional Parks and Open Space staff be directed to place before the Park Commission a question of the fees to determine if they could eliminate the deficit. Commissioner Breternitz seconded the motion.

Commissioner Humke suggested the Parks Commission think outside the box and possibly raise the fees by \$2.00 and then direct any excess funds to SVGID.

Chairman Larkin said the motion incorporated the staff recommendation, but asked if it required the Director to return to the Parks Commission to seek a fee increase. Commissioner Humke clarified to seek an alteration to the fees at the Bowers Pool and to consider all other possibilities.

Commissioner Jung asked if the motion included a cost neutral component to the budget.

Paul Lipparelli, Legal Counsel, stated the motion was read from the staff report and then direction was added for staff to analyze the fee structure and have that reviewed with the Parks Commission. Commissioner Humke clarified that the motion encompassed all elements of the staff recommendation, which was to cure the estimated net annual loss of \$11,625 through the use of contingency funds and ask the Parks Commission to review the fee structure.

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

*The following items only (Agenda Items #9 and #10) will be heard by the Washoe County Commission and South Truckee Meadows General Improvement District (STMGID) Board of Trustees. (Agenda Items #4 and #5 on the STMGID Agenda.)*

**11:29 a.m.** The Board convened as the South Truckee Meadows General Improvement District (STMGID) Board of Trustees and remained convened as the Board of County Commissioners.

**12-962      AGENDA ITEM 9**

**Agenda Subject:** “Status report on the Washoe County Department of Water Resources (DWR) pending merger of the DWR water utility with the Truckee Meadows Water Authority, with possible direction to staff.”

Rosemary Menard, Community Services Director, noted that Agenda Items 9 and 10 on the Board of County Commissioners (BCC) agenda and Agenda Items 4 and 5 on the South Truckee Meadows General Improvement District’s (STMGID) agenda would be heard simultaneously.

Ms. Menard conducted a PowerPoint presentation on the history and context of the Truckee Meadows Water Authority (TMWA) and the Department of Water Resources (DWR) utility consolidation, and the history and implications of the proposed water utility consolidation for STMGID. The presentation highlighted the major milestones on the water utility and consolidation analysis, excerpts from recent staff reports, highlights of STMGID's history, an overview of STMGID's work from February 2010 through September 2011, STMGID's options for the future from focus groups, key focus group results, Local Managing Board (LMB) matrix results, proposal for merging STMGID into DWR as part of the September 2011 budget reductions, STMGID/LMB activities from November 2011 through September 2012, options currently identified and being discussed for the future of STMGID and detailed chronologies related to TMWA/DWR water utility consolidation.

Commissioner/Trustee Humke stated the early years of STMGID were not emphasized, which was what he requested so that newer rate-payers would receive that knowledge. He said there were several failing water companies in the past that had been taken over by DWR, which caused the formation of DWR. Ms. Menard explained an entity was created to provide those services since the County was considered the service provider of last resort. Commissioner/Trustee Humke noted his frustration on the GID model as described in the presentation because the analysis arrived by the professionals for the STMGID reserves was almost equal to the proposed separation costs.

Commissioner/Trustee Jung asked if the consolidation of STMGID was a necessity for TMWA to consolidate with DWR. Ms. Menard replied she had not realized how interconnected the systems were and thought there would be options. During the due diligence, the inter-mingling relationship of the STMGID facilities with DWR became clear. She said there was a report that showed infrastructure-by-infrastructure, facility-by-facility on all the water systems which made the challenge of STMGID clear. As a BCC representative on the TMWA Board, Commissioner/Trustee Jung shared that they were admonished by the TMWA Chair to state that progress was moving backwards and not forward since it became part of the consolidation agreement. Ms. Menard said the Interlocal Agreement had a very short, open-ended paragraph about STMGID that noted consideration to review options pertaining to STMGID.

Commissioner/Trustee Jung questioned the cost comparison and said if TMWA operated STMGID they may increase fees due to the added administrative parties. Ms. Menard said the scenario was placed that the County would retain a contract administrator and STMGID would have a contract of operations with TMWA, but the contract administrator would be the middle person between the LMB or the Trustees and TMWA so that TMWA would never be standing before this Board. Commissioner/Trustee Jung stated a key focus group result stated that customers who used more water should pay higher fees and asked if STMGID customers had meters. Ms. Menard clarified that STMGID customers had meters. She explained that conservation was being discussed and added there was strong support in the focus group about user pay.

Commissioner/Trustee Breternitz asked if there would be a possibility for a joint use agreement with STMGID or certain facilities critical to the isolation of the facility and formulate an agreement with STMGID to share use of the facility. Ms. Menard said it was always feasible to have a wholesale agreement for the sale of water. She said there were options to have a type of interlocal agreement with TMWA for sharing facilities in wheeling water, but was unclear if the TMWA Board would embrace that option. Commissioner/Trustee Breternitz asked if that agreement could be executed before the merger and be an assumption of an agreement that TMWA would agree to as a part of the merger. Ms. Menard stated that had not been considered, but she had been told by TMWA that those types of agreements would not be accepted.

Rew Goodenow, STMGID Legal Counsel, explained he had first been engaged to represent the STMGID Board of Trustees for the proposed merger. Then he had been engaged separately to represent STMGID in advising the LMB to consider the other available alternatives. He said it was important for the Trustees to recognize the history was presented by DWR and not by STMGID and added that the LMB would disagree with some of, or all of, the specifics within the report. Mr. Goodenow stated that STMGID should have a seat at the table during further negotiations and the forward progress of those negotiations between DWR and TMWA to allow the issues to be properly addressed between all the stakeholders. He encouraged the BCC, sitting as Trustees, to consider whether that was necessary and an appropriate reaction to the difficulties pointed out by Commissioner/Trustee Breternitz. With respect to the history of STMGID, Mr. Goodenow commented that the LMB should be afforded an opportunity to provide some comments.

Commissioner/Trustee Breternitz requested that the LMB have the opportunity to make a similar presentation. He thought the last time this discussion occurred, he had asked for representatives from STMGID to have a seat at the table with TMWA and DWR since there could not be an effective dialogue without all parties involved. If that had not occurred, he would be disappointed and that would be a misinterpretation of his intent.

Chairman Larkin said that request was made during the last TMWA Board meeting and would be placed on their October meeting. He said part of this discussion was to authorize DWR staff and the LMB consultants to conduct a presentation to TMWA.

Commissioner/Trustee Breternitz said a presentation to the TMWA Board was important and timely; however, the other half of his intent was that a presentation to the TMWA Board would only be as good as the communications leading up to that presentation. He said their staff was highly regarded in terms of their recommendations to the TMWA Board, and he felt it would be important for that group to arrive at a resolution on some of the recommendations in order to reach a united front before a presentation occurred.

Chairman Larkin asked if there was an opinion on the agreement between DWR and TMWA on behalf of STMGID relative to the stipulations that surround the merger. Mr. Goodenow requested that STMGID be permitted to evaluate the agreement and be provided with a copy of the TMWA existing agreement to better understand the role of STMGID in the proposed transaction between DWR and TMWA. Chairman Larkin asked if Mr. Goodenow was familiar with section 42.9 of NRS Chapter 531 (2007). Mr. Goodenow said in connection with this transaction he had not reviewed that section. Chairman Larkin stated that section 42.9 was the legislation that authorized this discussion, and STMGID was specifically mentioned as a public purveyor as well as DWR and SVGID. He said the law specifically enabled the Western Regional Water Commission (WRWC) to consider all aspects. Since the BCC, acting as the Board of Trustees, found themselves in the peculiar position for a competing water purveyor and was now an adversarial relationship, DWR and the BCC opined they wanted to be out of the water purveyor business and into the water leadership business via the WRWC. He thought STMGID was fully empowered to engage in that discussion. He indicated that part of the agreement included the following specific requirements: dealing with the water bank, dealing with the development agreements, which was in transition; and, a scope or a map of how STMGID fit into the big picture. He said there was some notion that STMGID would merge with DWR prior to the merger of DWR and TMWA. However, the STMGID customers did not want that to occur. The other portion was that the DWR component was moving forward with TMWA. He said the LMB had recommended the Trustees request there be discussion between TMWA staff and TMWA Board members relative to the outcome of STMGID, which had occurred.

Commissioner/Trustee Humke said this had been a two-step process, to consolidate STMGID into DWR and then the planned merger of water purveyor services into TMWA. He wondered if the process could be altered if the LMB was advised that STMGID could change by ordinance such as the BCC being replaced as the Board of Trustees. Mr. Goodenow stated the answer was yes. Because of the adversarial process, Commissioner/Trustee Humke believed that was a possibility the Trustees should entertain and then allow STMGID to fully control their own destiny.

Chairman Larkin said the agreement with TMWA was the Trustees, vis-a-vis the BCC, had a plan for STMGID, but did not specify they should or should not be consolidated, it just stated that TMWA wanted to have a total disclosure of the entire liabilities that DWR had during the process. He said it was critical to have a plan before the next TMWA meeting that articulated the liabilities and benefits. Mr. Goodenow said the statutes did not direct anything particular occur and that was his concern in responding to questions about what it may require. He said it may be difficult to characterize exactly what the agreement required because of the general nature of the statute. He reiterated that STMGID have a seat at the table, with respect to continued negotiations for that agreement, in order to provide their needs in moving forward. Chairman Larkin said that was under consideration, but again they found themselves in a peculiar position because as a BCC member his duty was with DWR, but as a Trustee, he was to look after what STMGID wanted to have accomplished and be part of that discussion with TMWA. The other aspect was if TMWA wanted to engage STMGID

which was yet to be decided. He hoped this was a precursor of the presentation and the style of information that would be brought to TMWA. He indicated that TMWA would not give into mediation between STMGID and DWR and that had to be understood. If part of that plan was authorizing STMGID to negotiate with TMWA directly for services that would be an option, but the ordinance would have to be in place at that particular time.

Commissioner/Trustee Breternitz clarified for purposes of the TMWA Board meeting, he felt that STMGID staff should have a seat at the table formulating that presentation so their case could be presented. He believed the plan would put STMGID in a position where they could contract directly for water with TMWA without changing the direction of DWR and the merger. Commissioner/Trustee Breternitz felt it would be good to know sooner rather than later if TMWA had an appetite for that option.

Commissioner/Trustee Weber asked if the LMB had a different take on the history that was presented. Mr. Goodenow stated they did for certain aspects of the history. Commissioner/Trustee Weber said that was an important factor to consider and felt that more information was needed. She was torn since the first responsibility as a Commissioner was for DWR, but also felt she had a responsibility to STMGID as their Trustee. She understood how that would be adversarial, but did not know how to distinguish one over the other. She said that TMWA had already determined they did not want to have anything to do with STMGID. Chairman Larkin commented that had never been opined by the TMWA Board.

In response to Commissioner/Trustee Weber, Mr. Goodenow said the LMB would be willing to make that presentation. He said the concern expressed by Commissioner/Trustee Weber for the conflicting responsibilities as Trustees and Commissioners was appreciated, unfortunately that was unavoidable. In his view, he thought the Trustees' first responsibility at this stage in the proceedings was an obligation to STMGID. Chairman Larkin indicated they were convened as both the Trustees and the BCC. Mr. Goodenow stated he was addressing them as Trustees. He understood that TMWA had effectively given the response that it did not understand why they should be discussing STMGID. He suggested the appropriate response should be that TMWA needed to deal with STMGID in order to reach a conclusion.

Paul Lipparelli, County Legal Counsel, confirmed that the Board was convened jointly as the Board of Trustees and the BCC and was hearing input from Mr. Goodenow in his role as advisor to STMGID, which was appropriate, and he would answer questions for their BCC capacity.

Mr. Lipparelli said this situation had many overlaps. He agreed with Mr. Goodenow's characterization that the Commissioner's were placed in a peculiar position, but there was a way to have a separate Board of Trustees for STMGID. He said it would place the County in an arms-length position with regard to STMGID and allow those decisions to be made in the best interest of STMGID by people who only had that role. Mr. Lipparelli did not believe the Board failed to act in the best interest of STMGID

sitting as their Trustees, and he felt that all the decisions made thus far would hold up to any scrutiny used to examine those decisions. He said individuals were beginning to pick up on the possibility there may come a time where it would be difficult to vote one way on an item as a County Commissioner and potentially be challenged to vote a different way as a Trustee. He said he would meet with staff to build the process needed to separate the Board, if that direction was given.

In the historical information that was presented, Commissioner/Trustee Breternitz said there was a letter from former DWR Director Steve Bradhurst that indicated the formulation of a new STMGID, or changes to the GID, by making the LMB the Trustees. That change would need to be approved by the City of Reno, which could potentially impact the tax cap for the City; therefore, would not likely be received very well. Mr. Goodenow stated he reviewed the letter in question and said there was some indication that establishment of a separate new STMGID would require the dissolution of the existing STMGID and then a re-establishment of a new GID. However, he had not been provided with any opinion to that affect from the District Attorney's Office. He was provided with an opinion from 1993 that stated since the law changing Trustees was unknown, if the Commissioners desired to remove themselves as Trustees and substitute another Board of Trustees, an ordinance may be enacted. He believed the record provided was inconsistent with statements made in the Bradhurst memo.

Commissioner/Trustee Humke said there were a number of questions and a path to merge with an entity that some styled as a "hostile takeover" by a legislative fiat. He referenced a statement on page 31 of the presentation that read, "STMGID community meeting held at Galena High School with 250 people attending. Those attending overwhelmingly favored not merging with the County or TMWA." He said that could be taken as evidence there was never a real and substantial effort to go out to the rate-payers of STMGID to discuss some of the issues. He wondered if the citizens in the DWR system were aware of the changes because there was a fiduciary responsibility to those citizens as well.

Commissioner/Trustee Weber requested the memo mentioned by Commissioner/Trustee Breternitz.

Commissioner/Trustee Breternitz said the upcoming TMWA Board meeting was important because if TMWA was willing to extend further communication or potentially entertain dealing with STMGID then the Board should proceed with the investigation of making them a separate entity. If TMWA refused, it would behoove the Board to sit as Trustees to effectuate, without much battling, moving forward with the DWR/TMWA merger.

Steve Cohen, LMB Chairman, voiced his frustration. He said 10 years ago there was a joint meeting where it was being pushed for the LMB to become the Trustees of STMGID, but it was determined the only way that could occur was to dissolve STMGID and reformat. He said the LMB had been working under that assumption, but now they were being told that an ordinance could be done at any time. He said it was

very frustrating that STMGID could have been in a different spot if some of this was enacted earlier. Chairman Cohen stated the options being discussed were the options being discussed a year ago. He indicated there was a time frame given and the LMB had paid a tremendous amount of money for consultants and mailings for the upcoming open houses to provide the residents with an update. He said it would take time to put things together and he proposed a joint meeting between the BCC, the Trustees and the LMB to discuss all the options at once. Chairman Larkin said this had been occurring since the statute was passed in 2007 and said STMGID had been a part of the WRWC and at the table every step of the way. He stated this would either get done or the Legislature would make the decisions during the next session. He stated he was not in favor of any time extensions. Chairman Cohen agreed, but the LMB was being asked questions by the public and could not answer their questions without vetting what the options meant. He said the LMB needed four weeks to review some of the items and were doing their best.

In response to the call for public comment, Malachy Horan said after reviewing the history and context that was presented, he noticed there were no measurable benefits that had been discussed about the DWR/TMWA merger. He said he wished to see measurable performance, financial, operation and quality targets. He said if those were not upfront in mergers, the merge would not be successful. Mr. Horan said it was also mentioned about a single customer base, but he had been informed there would be two distinct rates that would be used and hoped that would be clarified.

Bill Maggiora voiced his frustration that too much time had passed where not enough people knew what was happening. He felt the conclusion would not be good for STMGID customers.

Chairman Larkin said direction needed to be provided to the STMGID consultants and DWR staff for the nature and the style of the presentation that was requested by the BCC as Trustees for the next TMWA Board meeting.

Commissioner/Trustee Humke believed staff should be directed to create a presentation to the TMWA Board that reviewed all the issues discussed. The presentation should include the history of STMGID and incorporated to TMWA before the 2013 Legislative session, and require additional time of approximately six months for continued study.

Chairman Larkin stated that he would not support that direction.

Commissioner/Trustee Weber commented that November 13, 2012 was a good deadline. She said the rate-payers needed the factual information and it would behoove the Board to have a “what if plan” if the November 13th date did not work.

Chairman Larkin said the direction to the STMGID staff and DWR staff was to put the information that was provided at this meeting in the presentation.

Commissioner/Trustee Breternitz stated that a request was made for the LMB to present their history.

Chairman Larkin clarified that DWR would not make the presentation on behalf of STMGID. He said STMGID would make the presentation. Chairman Cohen stated that some things were missing from this presentation, but said he would add what was missing.

As a representative on the TMWA Board, Chairman Larkin questioned if they were free to discuss the potential for separation of STMGID provided it met the standard of an ordinance related to standing up a separate group of Trustees.

Commissioner/Trustee Humke requested an ordinance be prepared. He said it had been suggested for the next BCC/Trustee meeting that they meet jointly with the LMB. Commissioner/Trustee Weber suggested that meeting be conducted between the morning and evening sessions of the October 23, 2012 BCC meeting. She also requested a backup plan for the November 13th deadline. Commissioner/Trustee Humke suggested holding the meeting in the Commission Chambers after 6:00 p.m.

There was no action taken.

**12-963      AGENDA ITEM 10**

**Agenda Subject: “Presentation on the history of STMGID’s formation, including the role of the Washoe County Department of Water Resources as the sole provider for all services necessary for the operation of STMGID, which facilities are a component of the South Truckee Meadows water system, with possible direction to staff.”**

*This item was heard simultaneously in the above Agenda Item No. 9.*

**1:25 p.m.**      The Board adjourned as the STMGID Board of Trustees.

**12-964      AGENDA ITEM 25 – CLOSED SESSION**

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

**1:26 p.m.**      On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**3:12 p.m.**      The Board reconvened with all members present.

**Agenda Subject:** “Status report on the restructuring the debt for the construction of the baseball stadium and direction to staff on specific terms of a possible agreement with the City of Reno, Reno Redevelopment Agency and/or Reno Aces ownership group to support operations and management of stadium authority.”

John Berkich, Assistant County Manager, explained that the County’s involvement for this project dated back to 2004 when the Board enacted the Car Rental Tax pursuant to legislation passed during the 2003 session. Since that time, through different actions, the Board continued to assist in the project until the opening day in the spring of 2008. Four seasons later, he reported that the project was a success for the region. Mr. Berkich said the developer had complied with all the development requirements imposed by the County, the City of Reno (City) and the Reno Redevelopment Agency (RDA) and built a first class stadium, entertainment center and a successful baseball enterprise. However, since the opening of the stadium many things had changed with the local and national economy. Because of those changes, staff had been involved with the RDA, the City and the principles of SK Baseball LLC (SK Baseball) in the settlement of claims against the County involving tax distribution and the disputes over the property taxes due on the stadium. In addition to resolving the specific disputes, SK Baseball was working to keep the operation viable over the long-term by finding a way to restructure the debt it incurred in the structure of the stadium. He said most, if not all, sports facilities of this kind and this caliber required public contribution or subsidy to be viable. In this project, SK Baseball was to receive \$2.5 million in tax increment financing for 20 years. With the collapse of the real estate market, he said this revenue stream vanished, which led to a large gap in the revenue stream designed to repay the existing \$58 million short-term construction loan. Mr. Berkich said SK Baseball now sought local support and were approaching the County to seek participation to replace the original public subsidy with new local funding. While the County had performed all their obligations and responsibilities for this project, the County was now being approached by SK Baseball, the RDA and the City to voluntarily engage in seeking a successful outcome to the funding dilemma on behalf of the region, baseball and the community. He said the Board could choose to participate in the proposed restructure by providing some level of funding with an interlocal agreement with the Stadium Authority, which was authorized by statute to operate, maintain and improve the baseball stadium. Financial support by the other local governments could potentially relieve SK Baseball of operating costs and free up baseball revenues to be pledged in the refinancing that was necessary. He said local funds would be combined with an estimated amount of approximately \$1.7 million in additional baseball revenue in the restructure of the refinancing as needed. Mr. Berkich said a Term Sheet was developed which identified certain options for possible County participation.

Mr. Berkich commented that continuing local support for this project would protect the existing public investment, which was the \$30 million in Car Taxes that had been invested in the facility and, with the restructuring, become a publicly owned facility.

Jerry Katzoff, SK Baseball, LLC and Herb Simon, Simon Property Group, represented SK Baseball for the presentation. Mr. Katzoff commented that the Reno Aces recently won the AAA World Championship in their fourth year of operation. He said the organization had been a very successfully run and financially sound baseball business. The problem was that the real estate transaction completed with the City to build a new stadium had not worked the way it had been anticipated. He explained over the last four years SK Baseball had used all the positive cash flow available received from operating the baseball team to service a debt they thought would disappear during the first year the stadium was opened. He said the plan was for SK Baseball to bond against the streams of revenue promised by the RDA which would have retired the debt. However, no revenue had been received from the Tax Increment Financing (TIF) in the four years of operation. He commented that the agreement allowed them to receive \$2.5 million per year for 20 years, and they further received assurance from the RDA that \$1 million would be received as a guarantee if restaurants were built around the stadium. He said those concessions were placed under a time frame and had to be opened the following season. He remarked that more money was borrowed in order to complete that phase of the operation. Mr. Katzoff said enough money was made to service the interest on the debt, but there was no capital to retire the debt and, if there was not an alternative way found to bond against some streams of revenue, there would not be a way to sustain a financially viable enterprise.

Mr. Katzoff explained that an alternative was found to generate a new stream of revenue that could be bonded against one portion of the revenue coming from the investors. He said SK Baseball currently paid \$1 a year in rent to operate the stadium. He said they had worked with the City to consider a contribution of \$1 million in the near future to add to that stream of revenue. It was SK Baseball's financial advisor's opinion that a revenue stream of \$1.5 million was needed to achieve enough revenue streams to bond and pay off the debt. He said Sales Tax Anticipated Revenue (STAR) Bond revenue was also received from the City, which would be used and those different streams of revenue would achieve enough money to bond and retire the debt. Mr. Katzoff said the City was approached for the entire amount, based on the fact the deal was made with them, but after all opportunities had been exhausted with the City, it was determined they would contribute \$1 million. He said that left \$500,000 and they were now approaching the County to consider subsidizing the Stadium Authority with \$500,000 a year to be used for the maintenance and operation of the stadium, which would ensure the longevity of baseball.

Mr. Katzoff conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation highlighted the history of Minor League Baseball, Minor League Baseball parks, incentives for relocating to Reno/Washoe County, Baseball Project Investment in Reno/Washoe County, what SK Baseball had brought to the Region, the Aces Ballpark before and after pictures, the Freight House District, how the financing worked, and open issues.

Chairman Larkin said the Car Rental Tax and the subordinate bond were working fine. Mr. Katzoff stated that was correct and was servicing the \$18.5 million.

Commissioner Weber asked for clarification on the \$30 million issued through the Car Rental Tax. Mr. Berkich clarified local residents were exempt from that tax since the focus was on the tourism aspect and car rental market. Commissioner Weber understood, but the presentation stated non-Nevada residents instead of non-Washoe County residents. Mr. Berkich stated it was misstated in the presentation.

Commissioner Breternitz asked if SK Baseball was a private business enterprise. Mr. Katzoff stated that was correct. Commissioner Breternitz said the presentation mentioned that SK Baseball was in arrears for their property taxes. He asked if payment of those property taxes were conditional on any other outside event. Mr. Simon explained there were some glaring inadequacies in the presentation by the Assessor's Office. For instance, Major League Baseball was assessed differently than Minor League Baseball and those were pointed out. He said the legal process was continuing and the taxes would be paid when there was a conclusion. Commissioner Breternitz said the agreement extended in 2010 that obligated SK Baseball to release the County from their guarantor position on the debt service reserve by December 31, 2011 was not honored because of receipt of money from the City or the RDA. He asked if the payment was conditional on receipt of payment from the RDA. Mr. Simon said SK Baseball would be responsible for that payment.

Commissioner Humke asked if SK Baseball intended to sue the RDA or the County. Mr. Katzoff stated there were no intentions to sue anybody.

Chairman Larkin asked what would happen if a failure occurred and alternatives could not be found. Mr. Simon said he was in a position to take a one-time loss, but to have something fail, he would not allow his heirs to pay for year after year. From estate planning, he would prefer to have the issue resolved. He stated the team was a valuable asset and to pay down the debt, if called upon, the team would have to be sold. Chairman Larkin said that was one scenario and another scenario was that Mr. Simon would assume the entire amount and leave his family a debt. Mr. Simon reiterated he would sell the team and use those funds to pay the debt. Chairman Larkin said SK Baseball was approaching the County; however, there was no existing business relationship or obligation between SK Baseball and the Board of County Commissioners as opposed to the RDA. Mr. Katzoff stated that was correct. Mr. Simon said this would be a restructuring since promises were made to have the team move here. He said the issue was what would happen if this could not be resolved, because this had to be viewed as a business decision.

Chairman Larkin said in reviewing the financing, it outlined some specific items that totaled about \$3 million. He said the issue before the City and County, which included the City of Sparks and the outlying areas, was to contribute \$1.5 million, but asked why the \$3 million figure was noted. Mr. Katzoff explained to have enough revenue streams to achieve a present value of money to bond out for 30 years, about \$3

million was needed to pay off the debt. To achieve the \$50 million, \$3.5 million was needed. He said SK Baseball was willing to contribute up to \$1.5 million. Chairman Larkin stated that would be the Certificate of Participation (COP). Mr. Katzoff stated the revenue would buy the COP. Mr. Simon indicated even if the \$45 million was received they would have invested \$28 million in the City as equity. Chairman Larkin asked where the \$500,000 amount came from for the County's portion. Mr. Katzoff explained the amount started out equally between the City and the County at \$750,000 each. After many meetings, he said the City agreed to contribute \$1 million, leaving the County's portion at \$500,000. Chairman Larkin stated that the County had honored every agreement they had issued with SK Baseball and the City, and now the Board had to face their constituents since it was their money and, if the questions arose about the \$500,000, he needed an answer. Mr. Simon said SK Baseball, the stadium and the team were not only for the City, but was entertainment for the entire County. Chairman Larkin asked if the Stadium Authority assumed ownership of the stadium at the conclusion of the 30-year pay back. Mr. Simon stated that was correct as well as the the land underneath the stadium. He said the City owned the improvements, but SK Baseball owned the land and, after the deal ended in 30 years, the stadium and the land would revert back to the Stadium Authority. Chairman Larkin said this was styled that both the City and County payments were subject to annual appropriations. Mr. Simon explained that was how it worked in every city and was not a legal obligation, but a moral obligation.

Commissioner Weber questioned the property assessment. Mr. Katzoff said an expert in real estate tax law had been hired and had presented the position to the County Assessor and to the Board of Equalization (BOE). He said the process was continuing and when that process concluded the debt would be paid. He said the County Assessor had admitted he had never assessed a baseball stadium, so his early position was based on *Marshall and Swift* that assessed suites at a major league level and that the stadium was assessed as a Triple-A stadium instead of a Double-A stadium, which differed in seat capacity. Commissioner Weber thought the BOE only met in February.

Paul Lipparelli, Legal Counsel, explained that the timing of property tax challenges was unique and said there was a season to challenge the assessment of each year. Additionally, since the stadium improvements were separated in ownership from the land, the usual process of taking a Treasurer's Deed and going through a foreclosure process was not available the way in which unpaid property taxes were collected. In this situation, the County had to affirmatively use the Civil Courts to go after the unpaid taxes. He said a Tolling Agreement had already been approved with SK Baseball, which allowed the County to save the legal rights on each side of those issues while this discussion about the debt restructuring was occurring. It was always part of the conversation that whatever arrangement was made it would have to take into consideration the property taxes and the debt reserve issues. He said through the Tolling Agreement the County had been able to forestall the need to use litigation while still figuring out a way to reach a resolution. Mr. Lipparelli indicated it was three separate tax years, three separate assessments and processes, and three statutes of limitations.

A video was shown from Pat O'Conner, MiLB President, explaining the recent conference that was held in the City. He commented on the quality franchise the Aces Baseball Team had become in minor league baseball. He said the Team had integrated themselves in the community and were a presence, but not a force.

Mr. Simon said he worked in many cities throughout the country and had really enjoyed his experience in the region and in working with the Katzoff's. He felt a wonderful thing was accomplished despite a very trying economic time.

In response to Commissioner Breternitz's question on the \$1.5 million, Mr. Berkich explained that the math may be slightly askew, but as was heard from the owners, if there was any shortfall the difference in funding would come from the developers. Commissioner Breternitz said the fiscal impact was noted as "undetermined," but he thought it was important to contemplate the fiscal impact because of the County's financial situation. He agreed that baseball was good for the community and wanted to find a way for this to work, but the challenge was how to make it work without requiring the County to make additional layoffs or further reduce services. He said there was a letter included in the staff report from Tom Harris, Professor and Director, University of Nevada, Reno, Department of Economics, that reviewed the estimated average annual economic impacts of the baseball facility. He had a difficult time understanding the employment figures given for the team because they were stated as annualized employment figures, and SK Baseball only employed a minimum number of people on an annual basis. He asked how 677 employees were reached as noted in the letter from Professor Harris and how \$11.6 million of positive financial impact was achieved. Mr. Berkich said this was completed by Professor Harris who used a computer program to generate the data and was designed to depict the overall economic impact from any project. He said certain inputs were given to him from SK Baseball as to the number of jobs, both seasonal and full-time, and those were generated through the model arriving at the total direct number of employees. Commissioner Breternitz requested that Professor Harris contact him for a full explanation of his analysis.

Commissioner Breternitz said SK Baseball was a private enterprise business and asked if there were any other private business enterprises that the County agreed to support their debt or possible operating expenses through the General Fund. Mr. Berkich was not aware of any, but commented this was a unique economic engine and suggested it was difficult to compare this project against any other private business enterprise. Commissioner Breternitz was concerned that this may set a precedent. Mr. Berkich stated this project was based on a commitment of a redevelopment subsidy. He said this discussion was how to replace that public commitment, which was why SK Baseball was approaching the County to seek participation in replacing that public commitment. Eventually this would become a public facility using public funds. Commissioner Breternitz said the Stadium Authority would ultimately be the beneficiary in 30 years and asked if the County made that public commitment. Mr. Berkich said the County did not make that commitment; it was made by the RDA with the City. He reiterated that the County had no obligation to enter into this conversation or this consideration.

Commissioner Breternitz said a claim had been made that SK Baseball was not making any money and asked if anyone from the County reviewed their audited financial statements and/or federal income tax returns including all the operating entities and concessions. Mr. Berkich stated those had been reviewed by the City, but not by the County. He said part of the due diligence, if so directed, would be to conduct a review of those statements in order to verify what was placed on the record. Commissioner Breternitz felt that was an important issue, but it needed to be contemplated in such a way without that information becoming public. Mr. Berkich anticipated hiring an independent third-party expert to complete that review on behalf of the County and indicated that the County would not have access to the information and would not make it a public record.

Chairman Larkin said the impact of the abatements issued to Apple® for the Reno-Tahoe Technology Center was about \$85 million and was a direct impact to revenues, which was the same thing as providing them \$85 million in rebates and similar in context. He asked how the anticipated non-General Fund source of funds could be utilized without any specified amount.

Sheri Mendez, Finance Director, disclosed that she had not been involved in this process and was unclear of the proposals. She said if there was some ownership involved in the Stadium there could be some bonding. She could not recall any other resources as far as revenue streams other than the General Fund. Chairman Larkin asked if there were offsets from other sources the County may receive such as congressional appropriations that could be utilized for local services. Ms. Mendez said anything the County was currently receiving was directed to some source. If there was a new revenue stream, then it could be directed to fund something such as this, but most revenue streams identified for the current fiscal year were being utilized for some appropriation. She added to the extent there were additional revenues that were not anticipated, then the budget could be augmented. Chairman Larkin said a deal was recently negotiated with the State and asked if an augmentation would be needed when those funds were received. Ms. Mendez said those revenues were directed to fund roads to offset the increase to health benefits to offset increase that were not obtained from employees during the last budget year.

Chairman Larkin asked how the Term Sheet was developed. Mr. Berkich replied that all the elements had been discussed with the developers, the City and the RDA. He said the Term Sheet was merely a snapshot of what the County's participation could be. If the County reached a participation agreement there would be many other terms and conditions before the County committed to anything. He said those were elements and concepts that had been developed and were intended to give the Board some options. Chairman Larkin said the Term Sheet should state what County residents would receive as value for this exchange other than the general baseball experience. He said the City would receive real value since the RDA was promising SK Baseball \$1.5 million and had been reduced the liability by \$100,000, which equated to a \$1.4 million benefit, but he did not see residents in the remaining portions of the County receiving much benefit from that deal. He said the City now found themselves in some trouble and

once again were coming to the County to be bailed out from what was conceivably a very interesting operation. Under the Terms of Service, he requested seeing some value that County residents would receive from the City for this exchange.

Commissioner Jung felt the County needed to be joint owners at the 30-year juncture so there was some say beyond that time. She agreed with Commissioner Breternitz that there needed to be a way to help since it was one of the most popular things accomplished in northern Nevada. She would suggest working more on year-round activities for the stadium. She said this money was not going to the owners, but was going to the Stadium Authority and that was a big difference.

Mr. Berkich clarified that once the COP was paid, the ownership of the Stadium was contemplated to pass to the Stadium Authority and not the City. Chairman Larkin noted that the majority of the Stadium Authority was controlled by the City of Reno.

Commissioner Humke questioned what the proposed increase of the Car Rental Tax could generate. Ms. Mendez replied that Tax currently generated approximately \$1.2 million. Commissioner Humke said two additional cents would be the public participation of the City and County and four cents would be the entire amount being discussed. Ms. Mendez stated that would be correct. Commissioner Humke said it may be speculative to believe that the Car Rental Tax could be increased, but he felt that could be accomplished and could possibly pass through the Legislature.

Commissioner Breternitz said he would be open to recommendations or suggestions from staff and/or SK Baseball on finding revenues to be dedicated with the condition that it did not draw down the General Fund and/or affect delivery of services or staff levels. He agreed with Commissioner Humke and felt something could be done with the Car Tax, but was baffled there was not a Term Sheet included for SK Baseball, the City or the RDA. He reviewed the items on the Term Sheet and suggested a willingness from SK Baseball to step up to their obligation for the debt service reserve, such as a Letter of Credit, and felt that would be a good-faith statement. He said the Term Sheet should also include a reference for how and when the resolution and payment of the property taxes in arrears would be resolved.

Chairman Larkin said there was a general consensus to move forward with some type of assistance. He said staff should proceed with what was discussed to develop a different Term Sheet and a timeframe be outlined for the Board to review those findings. Mr. Berkich said the intent would be to return during the next meeting on October 23, 2012, but to compile all the terms may take 30 days. Chairman Larkin said he wanted the information by the October 23rd Commission meeting since resolution was warranted by SK Baseball prior to the Reno City Council changing members.

Mr. Katzoff said the Term Sheet had been negotiated with the City and the County was part of the signatory for that Term Sheet, but then it became clear that the County preferred this meeting and not be part of that agreement.

There was no public comment or action on this item.

**12-966            AGENDA ITEM 16 - TREASURER**

**Agenda Subject:** “Update on Incline property tax refund process.”

The Board was given a written report by Tammi Davis, Washoe County Treasurer.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 16 be accepted.

**12-967            AGENDA ITEM 17 – MANAGEMENT SERVICES**

**Agenda Subject:** “Recommendation to review and approve the *Washoe County Employee Lobbying Policy: State Legislature. (All Commission Districts.)*”

John Slaughter, Management Services Director, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation reviewed the *Washoe County Lobbying Policy* and provided definitions for the County Lobbyist, Contract Lobbyist, County Issue Expert, County Lobby Team and Legislative Action. He said the purpose of the policy was to provide guidelines and requirements for all the employees and officers at the Legislature during the session. He said the specific change that occurred stated if you were an employee or an elected officer of the County they were prevented from accepting compensation or reimbursement to lobby for someone besides Washoe County. The one exception being they were allowed to lobby for a Board or an association that had elected members or appointed members on that association.

Commissioner Humke was concerned about elected department heads. Mr. Slaughter replied the policy that dealt with elected department heads was the same policy in place since 2004 and, at that time, there was extensive discussion. He said that had been offered for review to all the elected officials but no comments had been received.

Amy Harvey, County Clerk, indicated the policy worked well for her Office. At times she did not always communicate with the County as to some of the positions the Clerk’s Office took, but was more than open to sit down and talk about those issues. She said she had staff that went and testified for the Office on certain positions. Ms. Harvey stated that she had not presently reviewed the policy, but noted that she would.

Chairman Larkin asked if there was any urgency to sit with elected officials and review the policy. Mr. Slaughter indicated that he would sit with the elected officials and would bring a report back during the October 23, 2012 Commission meeting.

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

12-968

**AGENDA ITEM 18 - MANAGEMENT SERVICES**

**Agenda Subject:** “Recommendation to review and approve the *Washoe County Legislative Communication Policy*. (All Commission Districts.)”

John Slaughter, Management Services Director, stated this was the *Communication Policy* which provided staff and the Board direction for communication of legislative issues and position statements during the Legislative Session.

Commissioner Weber asked how that policy would impact the *Communication Policy* or the *County Employee Lobbying Policy* if individuals participated in lobbying. Mr. Slaughter replied there were very specific guidelines in the *Employee Lobbying Policy*; however, if a person was representing their own interest as a citizen, the County’s policies did not preclude them from speaking on an issue.

Commissioner Humke asked if there was a provision that involved written statements being sent to a Legislator and, if there was an obligation to spread the word to management that something was done in writing. Mr. Slaughter said that was covered in both policies that communications with the Legislative Branch be provided to County management staff.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 18 be reaffirmed.

12-969

**AGENDA ITEM 19 – MANAGEMENT SERVICES**

**Agenda Subject:** “Update and discussion on the 2012 Nevada Legislative Interim Committees and Studies, 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.)”

John Slaughter, Management Services Director, reported that staff had received an advanced copy of the Consolidated Tax (C-Tax) bill draft request (BDR) and after an analysis was completed would be brought forward to the Board. The Board members requested copies of the C-Tax BDR to review.

Commissioner Weber suggested Mr. Slaughter stay in contact with the Nevada Association of Counties (NACO) since there was talk about the C-Tax and other legislative issues.

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

**12-970            AGENDA ITEM 21 - MANAGER**

**Agenda Subject: “Update on status of Shared Services efforts and possible direction to staff. (All Commission Districts.)”**

Cory Casazza, Chief Information Technology (IT) Manager, said the next Shared Services meeting was scheduled for October 15, 2012 and would be held at the Washoe County School District (WCSD) Board room. He reviewed the items that would be on that agenda.

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

**12-971            AGENDA ITEM 22 – HUMAN RESOURCES**

**Agenda Subject: “Report, discussion, and possible action regarding issues of arbitration, statement of arbitrator's ruling, and fiscal and operational impact of arbitrator's ruling in the matter of Washoe County and Washoe County Sheriff's Deputy Association and Washoe County Supervisory Sheriff's Deputy Association, as required by NRS 288.215. To be heard before Agenda Item #23.”**

John Berkich, Assistant County Manager, said the parties involved in this decision were engaged in extensive negotiations for a Successor Agreement. He said the parties were unable to reach an agreement and an issue relating to wage increases or decreases was submitted for final and binding arbitration pursuant to NRS Chapter 288. He said the County and the Associations were bound to accept the final award of the Arbitrator, who accepted the Associations final offer of 3.125 percent across the board wage increases effective July 1, 2012 for employees represented by both Associations.

Sheriff Mike Haley appreciated the opportunity to meet with the Board, the degree of conversation and the desire of the Board to engage in on-going and continued communications as moving forward. He thanked the Board for the discussion and for their support of his organization.

Mr. Berkich stated that the fiscal impact was \$1.3 million, which included all concomitant increases in salary and benefits.

In response to comments made by Commissioner Humke, Paul Lipparelli, Legal Counsel, said statute related to two categories of local government employees, firefighters and law enforcement. Those two groups have a right under collective bargaining laws to a different process than all the other local government employees, which was called Binding Arbitration. He said that was the process used if the negotiation process did not produce an agreement and he explained how that process worked. Commissioner Humke asked if the advice to the Board was that the Arbitrator exceeded the statutory authority in making this ruling. Mr. Lipparelli replied if directed to pick apart any arbitrator's decision, staff would be able to find things that were potentially inconsistent with the authority. He said there was a large body of case law that

gave a great deal of deference to the decisions of Arbitrators that went against labor unions or management challenging arbitrator's decisions. Unless the Board was convinced there was a clear case of overreaching, he said it was a very difficult proposition to legally challenge an arbitrator's decision.

There was no public comment on this issue.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that the report be accepted regarding issues of arbitration, statement of arbitrators ruling, and fiscal and operational impact of arbitrators ruling in the matter of Washoe County and Washoe County Sheriff's Deputy Association and Washoe County Supervisory Sheriff's Deputy Association, as required by NRS 288.215.

**12-972            AGENDA ITEM 23 - MANAGER**

**Agenda Subject: "Recommendation to approve Collective Bargaining Agreements with the Washoe County Sheriff's Deputies Association and the Washoe County Supervisory Sheriff's Deputies Association bargaining units for the period of July 1, 2011 through June 30, 2013, ratify same; A general wage increase of 3.125% retroactive to July 1, 2012 for employees represented by both Associations and no other changes to the prior contract. The projected cost of the general increase to be effective July 1, 2012 is approximately \$1,285,244; and, if approved, authorize Chairman to execute Collective Bargaining Agreement upon completion and direct the Finance Department to make the necessary adjustments. (All Commission Districts.) To be heard after Agenda Item #22."**

John Berkich, Assistant County Manager, explained if the Board approved the Collective Bargaining Agreements they would waive the right to appeal the Arbitrator's decision.

Sheri Mendez, Finance Director, noted that the estimated fiscal impact of the Arbitration Decision would be approximately \$1,285,244. She reviewed the option that would be considered for funding as listed in the staff report. She said after having looked at potential ways to fund through the current budgetary situation in fiscal year 2012/13, she recommended the Other Post Employment Benefit (OPEB) Trust expenditure be used, up to an amount needed, to fund the potential over expenditure in the public safety function and review that before the end of the fiscal year. She stated that amount would not exceed the total estimated cost of the Arbitrator's decision. She noted that through the use of the Health Benefits Fund and the Trust Fund Transfer for Payment to the Health Benefits Fund would recoup the annual required contribution so that the reduced funding of the annual contribution was not reduced unless absolutely necessary.

There was no public comment on this item.

On motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, it was ordered that the staff recommendation be approved, ratified, authorized and executed. It was noted that the motion included the statement of waiving the privilege of an appeal.

Paul Lipparelli, Legal Counsel, noted that State law required Collective Bargaining Agreements be approved in a public meeting and stated this was a public meeting. He said the entire agreement was not before the Board, but said there were no other changes to the Collective Bargaining Agreement language. He said it would be necessary for staff to prepare a new term for the years and a new salary schedule reflecting the Arbitrator's awarded pay values. He said that would be attached to the Collective Bargaining Agreement and would be reviewed with the Association.

**12-973            AGENDA ITEM 24 – REPORTS AND UPDATES**

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

Commissioner Weber stated there was a Regional Planning Governing Board (RPGB) meeting scheduled for October 11, 2012.

**12-974            AGENDA ITEM 27 – 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.”**

There was no response to the call for public comment.

**COMMUNICATIONS**

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

**12-975**            Summary of all claims made against the Reno-Sparks Convention and Visitors Authority (RSCVA) for tortious conduct for calendar year 1997.

**12-976**            Regulations of the Washoe County District Board of Health Governing Food Establishments (Filed with the Clerk on February 8, 2008.)

**12-977**            Truckee River Operating Agreement (TROA) dated September 2008.

- 12-978** Performance Measurement and Management System, 2nd and 4th Quarter Reports for Fiscal Year 2007/08. (BCC meeting of February 27, 2007, Item No. 07-261.)
- 12-979** Final Report – Washoe County Sheriff’s Office, Detention Bureau Staffing Analysis Update. (BCC meeting of February 10, 1998, Item No. 98-112.)
- 12-980** State of Nevada Fiscal Year 2003/04 State Plan. (BCC meeting of February 18, 2003, Item No. 03-177.)
- 12-981** Public Safety Regional Infrastructure Reports: Flood Control Projects; Depressed Trainway Project; Regional Dispatch/EOC; and, Public Safety Training Center.
- 12-982** Technology Strategic Plan. (BCC meeting of January 17, 2006, Item No. 06-100.)

**QUARTERLY FINANCIAL STATEMENTS**

- 12-983** Clerk of the Court Quarterly Financial Statement – Quarter Ending June 2012.

\* \* \* \* \*

**5:25 p.m.** There being no further business to discuss, on motion by Commissioner Humke, seconded by Commissioner Jung, which motion duly carried, the meeting was adjourned.

**ROBERT M. LARKIN**, Chairman  
Washoe County Commission

**ATTEST:**

\_\_\_\_\_  
**AMY HARVEY**, County Clerk and  
Clerk of the Board of County Commissioners

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

**RESOLUTION AND DECISION OF INTENT TO LEASE**

A RESOLUTION DECLARING WASHOE COUNTY'S INTENT, AND ITS DECISION TO LEASE A PORTION OF APN 142-011-07 TO CLEAR CHANNEL OUTDOOR INC., AS AUTHORIZED WITHIN NRS 244.2833 AND OTHER MATTERS PROPERLY RELATED THERETO.

**WHEREAS**, Washoe County owns a parcel of real property located adjacent to the South Valley's Regional Park, (APN 142-011-07), Washoe County, Nevada ; and

**WHEREAS**, Clear Channel Outdoor Inc, has an existing sign structure and has applied to lease a portion of the Property for a two (2) year term, to continue to use and maintain the existing billboard sign located in the southeastern portion of the parcel; and

**WHEREAS**, Nevada Revised Statutes 244.2833 authorizes the Washoe County Board of Commissioners to lease, the area of the real property if it's less than 25,000 square feet, by adopting a Resolution of its Intent to Lease the subject property; and

**WHEREAS**, the Washoe County Board of Commissioners may lease building space or other real property without offering the property to the public; and for less than the fair market value;

**WHEREAS**, the Washoe County Board of Commissioners shall cause to be published at least once, in a newspaper qualified under Chapter 238 of NRS; to allow for any objections related to the proposed lease by and between Washoe County (Lessor) and Clear Channel Outdoor Inc. (Lessee); and

**WHEREAS**, it is recommended by the Acting Director of the Parks and Open Space that the lease rate for the proposed space be established at Four Thousand dollars annually, retroactive to October 1, 2011; and

**WHEREAS**, Washoe County has scheduled this proposed Lease Agreement at its next scheduled meeting on October 23, 2012, to allow for any comments to this action and confirmation of decision as required within NRS 244.2833; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Washoe County Board of Commissioners:

1. That pursuant to NRS 244.2833, it has the authority to lease said real property to Clear Channel Outdoor Inc., without offering said real property to the public; and
2. That the Board of County Commissioners must establish the rental amount for said real property under NRS 244.2833(1) and hereby determines that the rental amount

142-9419

for this use shall be Four Thousand dollars annual, as recommended by the Acting Director of Parks and Open Space; and

3. That the Washoe County Board of Commissioners will discuss this on the October 23, 2012 agenda to allow for any objections to this real property action; and
4. That the County Clerk is directed to publish this notice as required in NRS 244.2833; and, that upon approval by the Washoe County Board of Commissioners at its regularly scheduled meeting, and upon further satisfaction of all terms and conditions of the lease to be performed concurrently with the delivery, the Chairman shall be authorized to execute said lease on behalf of Washoe County and to deliver it to Lessee.

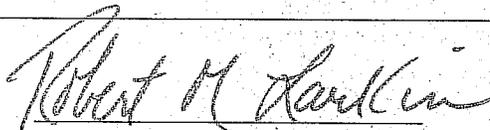
ADOPTED this 9<sup>th</sup> day of Oct, 2012 by the following vote:

AYES: Larkin, Weber, Humke, Breternitz, Jung

NAYS: \_\_\_\_\_

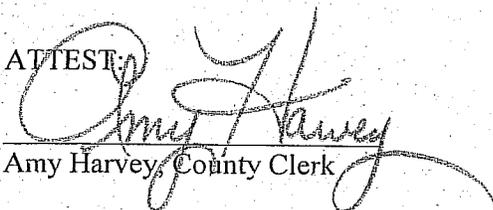
ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



Robert M. Larkin, Chairman  
Washoe County Board of Commissioners

ATTEST:



Amy Harvey, County Clerk

RESOLUTION            Increase Change Fund from \$100 to \$300 for Incline Justice Court

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change and petty cash fund accounts; and

WHEREAS, Incline Justice Court has requested an increase in their change fund from \$100.00 to \$300.00 to assist in the administration of that office; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA as follows:

1.        That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$200.00 increase in the change fund (for a total of \$300) for Incline Justice Court.
2.        That the above additional \$200.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3.        That said change fund be used exclusively for transactions related to the Incline Village Justice Court.
4.        That the presiding Judge shall henceforth be held accountable for the change fund authorized by this resolution.
5.        That the County Clerk is directed to distribute copies of this Resolution to the Washoe County Treasurer, Comptroller, Internal Auditor, Incline Justice Court and the Nevada Department of Taxation.

ADOPTED this 9<sup>th</sup> day of October, 2012.

WASHOE COUNTY COMMISSION

By: Robert M Larkin  
Chairman

ATTEST.

Amy Harvey  
Washoe County Clerk

12-954

A RESOLUTION AUTHORIZING THE COUNTY TREASURER TO TRANSFER TO OTHER GOVERNMENTAL ENTITIES, REAL PROPERTY HELD IN TRUST DUE TO PROPERTY TAX DELINQUENCIES AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, after the expiration of the period of redemption for tax delinquent parcels of real property, the county tax receiver is required to execute and deliver deeds conveying title to such property to the county treasurer in trust for the use and benefit of the state and county, (NRS 361.585); and

WHEREAS, upon the order of the board of county commissioners entered upon the record of its proceedings, such tax delinquent parcels held in trust by the Treasurer may be conveyed in the manner required by state law after proper notice is given, (NRS 361.595); and

WHEREAS, attached to this resolution and incorporated herein is Exhibit A, a list of tax delinquent parcels held by the county treasurer in trust that the board of county commissioners desires to have conveyed to other governments as more specifically set forth in Exhibit A; and

WHEREAS, pursuant to NRS 361.603 local governments or the University System are authorized to acquire property held in trust by the county to serve a public purpose in return for the payment of the delinquent taxes; and

WHEREAS, pursuant to NRS 361.603 no delinquent taxes need be paid for property transferred to a local government for street, sewer or drainage uses, for use in a program for the rehabilitation of abandoned residential properties established by the local government pursuant to chapter 279B of NRS, or for use as open-space real property as designated in a city, county or regional comprehensive plan.

NOW THEREFORE BE IT HEREBY RESOLVED by the Washoe County Board of County Commissioners as follows:

1. The Washoe County Board of County Commissioners finds that transferring the parcels listed in Exhibit A to Washoe County would serve the public purposes stated in the exhibit.
2. The Washoe County Treasurer is hereby ordered pursuant to NRS 361.603 to transfer the parcels listed in Exhibit "A", item #2, 3, 4, 5, and 6 to the governmental unit(s) for the purposes stated in Exhibit "A" in the manner required by state law after proper legal notice has been given.
3. If some irregularity or circumstance arises before the transfer of any certain parcel listed in the exhibits to this resolution such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a parcel from a sale or transfer, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal on behalf of the county. The Treasurer shall report to the board in writing his or her decision to make such a withdrawal and shall state the

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reasons for the decision. The board may thereafter permit the parcel to remain in trust for the benefit of the state and county or may again order it be sold or transferred.

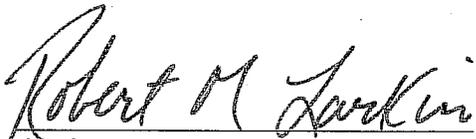
ADOPTED this 9<sup>th</sup> day of Oct., 2012 by the following vote:

AYES: Larkin, Weber, Humble, Breternitz, Jung

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_



Chairman  
Washoe County Commission

ATTEST:



County Clerk

EXHIBIT "A"

2012 Tax Delinquent Parcels to be withheld  
From Sale to the general public

1. Those parcels previously withheld (as noted in the Tax Delinquent Lands Book)
2. The City of Sparks has requested acquisition of one parcel:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
518-110-11	Street/Road	\$986.12

3. The City of Reno has requested acquisition of three parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
020-241-18	Street Use	\$1,551.67
020-241-39	Street Use	\$7,658.26
020-241-40	Street Use	\$3,657.25

4. The Washoe County Water Resources Department has requested acquisition of one parcel:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
150-013-03	Sewer Use	\$16,671.12

5. The Washoe County Regional Parks and Open space Department has requested acquisition of two parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
045-252-11	Open Space	\$131,905.11
084-292-03	Open Space	\$20.34

6. The Incline Village General Improvement District has requested acquisition of eighty seven parcels:

<u>APN</u>	<u>USE</u>	<u>BACK TAX</u>
126-292-13	Open Space	\$11,059.27
126-292-14	Open Space	\$11,059.27
126-292-17	Open Space	\$11,059.27
126-292-18	Open Space	\$9,389.62
126-292-29	Open Space	\$11,059.27
126-292-30	Open Space	\$11,059.27
126-292-33	Open Space	\$11,059.27
126-292-34	Open Space	\$11,059.27
126-292-37	Open Space	\$11,059.27
126-292-38	Open Space	\$11,059.27
126-292-45	Open Space	\$2,409.15
126-292-46	Open Space	\$2,409.15

126-292-49	Open Space	\$2,409.15
126-292-50	Open Space	\$2,409.15
126-293-37	Open Space	\$11,059.42
126-293-38	Open Space	\$11,059.42
126-293-39	Open Space	\$11,059.42
126-293-40	Open Space	\$11,059.42
126-293-41	Open Space	\$11,059.42
126-293-42	Open Space	\$11,059.42
126-293-43	Open Space	\$11,059.42
126-293-44	Open Space	\$11,059.42
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126-293-46	Open Space	\$11,059.42
126-293-47	Open Space	\$11,059.42
126-293-48	Open Space	\$11,059.42
126-293-49	Open Space	\$2,409.30
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126-293-56	Open Space	\$11,132.21
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126-293-58	Open Space	\$2,409.30
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126-293-62	Open Space	\$11,059.42
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126-295-19	Open Space	\$11,059.42
126-295-20	Open Space	\$11,059.42
126-295-21	Open Space	\$11,059.42
126-295-22	Open Space	\$11,059.42
126-500-01	Open Space	\$26,418.53
129-540-01	Open Space	\$9,674.99
129-540-02	Open Space	\$9,393.28
129-540-03	Open Space	\$9,393.28
129-540-04	Open Space	\$9,674.99
129-550-01	Open Space	\$9,674.99
129-550-02	Open Space	\$9,675.40
129-550-03	Open Space	\$9,674.99
129-550-04	Open Space	\$9,675.40