

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

TUESDAY

10:00 A.M.

FEBRUARY 28, 2012

PRESENT:

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

Nancy Parent, Chief Deputy Clerk (10:00 a.m. – 4:35 p.m.)

Amy Harvey, County Clerk (6:00 p.m. – 6:35 p.m.)

Katy Simon, County Manager

Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:03 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:

12-168 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.”

Sam Dehne spoke on local government and his opinion toward the local media.

Stephen Jacobs commented that all the programs for senior citizens were irreplaceable and valuable. He appreciated the economic challenges faced by the Board, but felt that the funds should not be taken from the Senior Services Programs.

12-169 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.)”

Katy Simon, County Manager, introduced Alan Rosen as the County's new Budget Manager. She announced that Agenda Items 19 and 20 would be pulled from the agenda. She also indicated that Agenda Item 7 would be pulled from the Sierra Fire Protection District's agenda.

Commissioner Weber reported on items discussed during the Nevada Association of Counties (NACO) Board meeting. She announced that she would be going to Washington D.C. for the NACO Legislative Conference and would have the opportunity to speak to congressional leaders about several issues that had been identified. Commissioner Weber also reported that NACO had appointed a temporary committee to review the possible amendments to the NACO Articles of Incorporation and bylaws. She said NACO also authorized staff to review options to hire a consultant to assist them in evaluating the impacts on Nevada's counties from the federal healthcare reform. Commissioner Weber stated that the Nevada Department of Transportation (NDOT) had reported that the State was considering transferring roads and conducting road exchanges with counties and cities. She said a letter would be distributed to the counties listing the roads that were being proposed for transfer. She hoped that Washoe County would consider regaining Sun Valley Boulevard between 1st Street and 7th Street and asked the County Manager to review that possibility. Commissioner Weber reported that the University of Nevada, Reno (UNR) decided to postpone the plan for rezoning portions of UNR Farms.

12-170 AGENDA ITEM 5 - RESOLUTION

Agenda Subject: "Resolution of Recognition and Appreciation--John Sherman. (All Commission Districts.)"

Katy Simon, County Manager, read and presented the Resolution of Recognition and Appreciation to John Sherman. Mr. Sherman thanked the Board for their recognition. He remarked that the biggest hurdle to overcome in his retirement would be the people he would miss. He said staff from the Finance Department were a wonderful team and would carry on under the leadership of Finance Director Sheri Mendez.

In response to the call for public comment, Sam Dehne wished Mr. Sherman success in his future endeavors.

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

12-171 AGENDA ITEM 6 – RESOLUTION

Agenda Subject: "Resolution of Recognition and Appreciation--Dave Childs. (All Commission Districts.)"

Katy Simon, County Manager, read and presented the Resolution of Recognition and Appreciation to Dave Childs. Mr. Childs thanked the Board for their

recognition. He said it was the people that made the County organization what it was. The past few years had been challenging, but he was confident that the great team would make Washoe County proud.

In response to the call for public comment, Sam Dehne wished Mr. Childs success in his future endeavors.

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

CONSENT AGENDA

In response to the call for public comment, Sam Dehne spoke on several items within the consent agenda.

12-172 AGENDA ITEM 7A

Agenda Subject: “Approve minutes for the Board of County Commissioners’ meeting of January 24, 2012.”

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.

12-173 AGENDA ITEM 7B

Agenda Subject: “Cancel March 20, 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.

12-174 AGENDA ITEM 7C - ASSESSOR

Agenda Subject: “Approve roll change requests, pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2009/2010, 2010/2011, 2011/2012, secured and unsecured tax rolls; and if approved, authorize Chairman to execute order and direct the Washoe County Treasurer to correct the error(s) [cumulative amount of decrease \$36,849.53]. (Parcels are in various Commission Districts.)”

There was no public comment on this item.

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

12-175 AGENDA ITEM 7D – COMMUNITY SERVICES/PARKS

Agenda Subject: “Approve the Court of Antiquity Master Plan submitted by the Nevada Rock Art Foundation and prepared by Lumos and Associates [funded by a State Question 1 Truckee River grant, match provided by Nevada Rock Art Foundation]. (Commission District 4.)”

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.

12-176 AGENDA ITEM 7E – DISTRICT ATTORNEY

Agenda Subject: “Approve payments [\$6,509.04] to vendors for assistance of 40 victims of sexual assault; and if approved, authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim’s spouses and other eligible persons. (All Commission Districts.)”

There was no public comment on this item.

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

12-177 AGENDA ITEM 7F – FINANCE/COMPTROLLER

Agenda Subject: “Approve the establishment of a Billing, Receivables and Debt Collection Policy, pursuant to NRS 354.255 and 244.207 and Washoe County Code 15.191, assigning the Comptroller to oversee the centralized billing and collection of money owed or due the County. (All Commission Districts.)”

Commissioner Breternitz requested a report be submitted to the Board on billings versus collections in order to measure success. He suggested that report be placed within the policy.

Sheri Mendez, Finance Director, agreed and stated that the billings versus collections would be added into the quarterly financial report.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7F be approved. It was noted that the billings versus collections would be added within the quarterly financial report that was submitted to the Board.

12-178 AGENDA ITEM 7G - LIBRARY

Agenda Subject: “Accept Library Services and Technology Act (LSTA) Grant-in-Aid [\$4,100, with no County match required] for support of “El dia de los ninos/El dia de los libros” for the period of February 6, 2012-May 7, 2012; and, if accepted, direct Finance to make necessary budget adjustments. (All Commission Districts.)”

There was no public comment on this item.

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

12-179 AGENDA ITEM 7H - SHERIFF

Agenda Subject: “Approve Transport Temporary Housing Services Agreements between the County of Washoe (Sheriff’s Office) and Northwest Surety Investigations and Martin-Ross & Associates to temporarily house in-transit prisoners; agreements shall be in force and effect for an indefinite period of time, subject to cancellation by either party, with or without cause, upon 30 days written notice. (All Commission Districts.)”

Commissioner Jung asked if revenue was generated from this item. Executive Lieutenant Adam Hopkins replied that the cost was re-evaluated at the end of last year. The contract initially stated \$127 per prisoner, per day, but was recalculated to \$111 per prisoner, per day. He said the federal rate was \$109, which off-set the costs and did not generate revenue. Commissioner Jung asked if that was by law or by policy. Executive Lieutenant Hopkins said he would need to research that question.

Commissioner Jung requested an agenda item for discussion on this being a potential revenue generator.

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 be approved.

12-180 AGENDA ITEM 7I - TREASURER

Agenda Subject: “Acknowledge Receipt of the Report of Sale – February 28, 2012 Delinquent Special Assessment Sale--Sale cancelled as all delinquencies have paid. (Commission Districts 2, 4 and 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 7I be acknowledged.

12-181 AGENDA ITEM 7J(1) – HUMAN RESOURCES

Agenda Subject: “Accept donations [\$500] for the Washoe County Scholarship Fund; and if accepted, direct Finance Department to make the appropriate budget adjustments. (All Commission Districts.)”

On behalf of the Board, Commissioner Jung thanked the donors for their generous donations.

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 7J(1) be accepted and directed.

12-182 AGENDA ITEM 7J(2) – HUMAN RESOURCES

Agenda Subject: “Approve the addition of a voluntary Health Savings Account Plan option under the Washoe County Health Benefits Program for eligible employees and their dependents effective July 1, 2012. (All Commission Districts.)”

Commissioner Jung stated the addition was a transportable plan which had been identified when wages and benefits were reviewed. She commended staff for this addition because a request from new hires had been the ability to transport a health savings account.

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 7J(2) be approved.

12-183 AGENDA ITEM 7J(3) – HUMAN RESOURCES

Agenda Subject: “Approve the updated Washoe County Deferred Compensation 457(b) Plan Document to reflect the addition of a ROTH feature and authorize the Acting Human Resources Director to execute 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 7J(3) be approved, authorized and executed.

12-184 AGENDA ITEM 7K(1) - MANAGER

Agenda Subject: “Appoint Rosemary Menard as Acting Director of the Community Services Department at no additional compensation. (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 Rosemary Menard be appointed as Acting Director of the Community Services Department at no additional compensation.

12-185 AGENDA ITEM 7K(2) - MANAGER

Agenda Subject: “Appoint William (Bill) H. Whitney as Acting Director of the Department of Community Development [10% temporary pay adjustment] pursuant to Article 914 of the Washoe County Development Code, appointment to be effective on March 8, 2012. (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 William (Bill) H. Whitney be appointed as Acting Director of the Department of Community Development [10 percent temporary pay adjustment] pursuant to Article 914 of the Washoe County Development Code, appointment to be effective on March 8, 2012.

12-186 AGENDA ITEM 7K(3) - MANAGER

Agenda Subject: “Approve Interlocal Agreement between the County of Washoe and Sparks Justice Court deferring creation of the third judicial seat for Sparks Township Justice Court [Fiscal Years 2013 and 2014 with an annual impact of \$67,975]. (Commission Districts 3, 4 and 5.)”

Due to the current economy, Commissioner Weber commended the Sparks Justice Court for deferring the creation of the third judicial seat for the Sparks Township Justice Court.

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7K(3) be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

12-187 AGENDA ITEM 7L(1) – REGISTRAR OF VOTERS

Agenda Subject: “Approve release of bid request for Registrar of Voters for Moving Company services for delivery and pick-up of election equipment for the 2012 Primary and General Elections [estimated cost \$64,000]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7L(1) be approved.

12-188 AGENDA ITEM 7L(2) – REGISTRAR OF VOTERS

Agenda Subject: “Approve release of bid request for Registrar of Voters for Ballot Printing for the 2012 Primary and General Elections [estimated cost \$82,000]. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7L(2) be approved.

12-189 AGENDA ITEM 7L(3) – REGISTRAR OF VOTERS

Agenda Subject: “Approve release of bid request for mailing house services for the 2012 Primary and General Election Sample Ballots [estimated cost \$90,000, does not include cost of postage]. (All Commission Districts.)”

There was no public comment on this item.

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

12-190 AGENDA ITEM 7L(4) – REGISTRAR OF VOTERS

Agenda Subject: “Approve release of bid request for Registrar of Voters for Sample Ballot Printing for the 2012 Primary and General Elections (estimated cost \$108,500). (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 7L(4) be approved.

12-191 AGENDA ITEM 7M – TRUCKEE RIVER FLOOD PROJECT

Agenda Subject: “Approve Travel Reimbursement for Truckee River Flood Management Authority Board Chair Ron Smith, Vice Chair David Aiazzi, and Member Jessica Sferrazza to travel to Washington, D.C. February 13–17, 2012, [cost not-to-exceed \$2,500 each] for the purpose of encouraging U.S. Army Corps of Engineers and Congressional support for the Truckee River Flood Project; Travel Reimbursement for Vice Chair David Aiazzi to travel to Sacramento, California on February 9, 2012 [not-to-exceed \$50 to meet with Colonel Wehr; for a total not-to-exceed amount of \$7,550] and authorize expenditure from the 1/8 cent sales tax dedicated to the Truckee River Flood Management Project. (All Commission Districts.)”

There was no public comment on this item.

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

BLOCK VOTE

The following agenda items were consolidated and voted on in a block vote: Agenda Items 11, 12 and 14.

12-192 AGENDA ITEM 11 – COMMUNITY SERVICES/PUBLIC WORKS

Agenda Subject: “Recommendation to authorize Public Works Facilities Management to solicit written proposals to select a qualified respondent for landscape maintenance and snow removal around Washoe County buildings [estimated \$165,000 - funding source Fiscal Year 2011/2012 Facility Management General Fund.]. (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 11 be authorized.

12-193 AGENDA ITEM 12 – SOCIAL SERVICES

Agenda Subject: “Recommendation to authorize the Director of Social Services to accept two year grant award [\$126,954, County match required of \$8,100], effective upon the fully executed agreement date, from the Department of Housing and Urban Development (HUD) to provide resources for chronically homeless and disabled families currently residing in emergency shelters; and if approved, authorize Chairman to execute Grant Agreement, authorize the Department to expend these funds and direct Finance 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 approved, authorized, executed and directed.

12-194 AGENDA ITEM 14 – COMMUNITY SERVICES/COMMUNITY DEVELOPMENT

Agenda Subject: “Recommendation that the Board of County Commissioners elect not to exercise its annual opportunity to self-direct the County’s pro-rata share of the Fiscal Year 2011-12 federal HOME program affordable housing grant allocation [approximately \$225,000]; and request the Washoe County HOME Consortium to consider these funds along with the total pool of other available funds for further review and award to 2011-12 applicants. (All Commission Districts.)”

Commissioner Jung said this was a small step for the County by placing a small amount of money back into the pool for this project, and was a demonstration of regional cooperation.

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 14 be approved.

12-195 AGENDA ITEM 10 – APPEARANCE

Agenda Subject: “Larry Thompson, Associate Director, Center for Infrastructure Assurance and Security – University of Texas at San Antonio. Presentation on Department of Homeland Security Cyber Security Program. (All Commission Districts.)”

Larry Thompson, Associate Director, Center for Infrastructure Assurance and Security, University of Texas at San Antonio, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation included a Community Cyber

Security Program, the increasing and evolving challenges, a Center for Infrastructure Assurance and Security, training and exercises, program elements, proposed timeline, target audience, and the typical participants.

Commissioner Jung asked how Washoe County was picked for the Homeland Security Cyber Security Program. Mr. Thompson said it was based on leadership support. He noted that Governor Brian Sandoval signed a letter indicating that he wanted this program for the County.

Commissioner Jung said she learned about this program during a National Association of Counties (NACo) conference and, in order for the County to be pro-active in this issue, she had been in contact with the County's Chief Information Manager.

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

11:05 a.m. The Board convened as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District and the Sierra Fire Protection District.

12-196 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.”

11:09 a.m. On motion by Commissioner Breternitz, seconded by Commissioner Humke, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing labor negotiations with Truckee Meadows Fire Protection District and the Sierra Fire Protection District per NRS 288.220.

11:10 a.m. On motion by Commissioner Breternitz, seconded by Commissioner Humke, which motion duly carried, it was ordered that the meeting recess to a closed session for the purpose of discussing labor negotiations with Washoe County per NRS 288.220. *It was noted that the Board would return no earlier than 1:00 p.m. to reconvene as the Fire Boards.*

1:35 p.m. The Board reconvened as the Truckee Meadows Fire Protection District (TMFPD) Board of Fire Commissioners.

3:28 p.m. The Board adjourned as the TMFPD Board of Fire Commissioners and convened as the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

3:34 p.m. The Board adjourned as the SFPD Board of Fire Commissioners and reconvened as the Board of County Commissioners.

PUBLIC HEARING

12-197 AGENDA ITEM 13 – DISTRICT ATTORNEY

Agenda Subject: “NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, adopted a Resolution on February 14, 2012 announcing they will hold a public hearing at the County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, in Reno, Washoe County, Nevada on Tuesday, February 28, 2012. Such meeting to commence at 10:00 a.m. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. The Resolution is entitled: A resolution approving Washoe County’s conveyance of the property commonly known as the Pioneer Theatre –Auditorium at 100 South Virginia Street in Reno for no compensation to a corporation for public benefit for civic and charitable purposes and establishing other terms and conditions of the conveyance and other matters properly related thereto (All Commission Districts.)”

The Chairman opened the public hearing by calling on anyone wishing to speak for or against a Resolution approving Washoe County’s conveyance of the property commonly known as the Pioneer Theatre.

Paul Lipparelli, Legal Counsel, directed the Board’s attention to page 4, paragraph 3 of the Resolution that established the conditions which the proposed transfer of property would be made to the Pioneer Center for the Performing Arts (Pioneer CPA). Those conditions included that the parcel would be used for civic and charitable purposes, the improvements to the property be well and properly maintained, and that the Pioneer CPA maintain valid status with the Nevada Secretary of State and tax exempt status under the Internal Revenue Service (IRS) code. Previous direction covered the issue of what would happen to the property in the event that a reverter was triggered and the County regained title to the property on the failure of a condition. He explained that paragraph 7 provided language that stated prior to the recording of the documents conveying title to the Pioneer CPA, the Reno-Sparks Convention and Visitors Authority (RSCVA) and the County would enter into an agreement that would restore the terms of the 99-year lease in the event the parcel reverted back to the County. The RSCVA Board considered the matter and approved the notion of restoring the terms of the 99-year lease in the event a reverter occurred. He said the appropriate motion would be to adopt the Resolution, which would direct staff to develop the transfer documents with a deed to include a reverter, and any other necessary documents to properly convey the parcel.

Brett Scolari, RSCVA Legal Counsel, clarified that action was taken to return to the terms of the 99-year lease on the parcel if a reverter was triggered.

Willis Allen, Pioneer Center CPA Executive Director, concurred that the new language had been reviewed and was acceptable. He was pleased that the Board entrusted them with the operation of the facility.

Commissioner Weber felt it was important for the County's Facilities Department to inspect the property before the transfer.

The Chairman closed the public hearing.

On motion by Commissioner Jung, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 13 be adopted. The Resolution for same is attached hereto and made a part of the minutes thereof.

12-198 AGENDA ITEM 15 – COMMUNITY SERVICES/COMMUNITY DEVELOPMENT

Agenda Subject: “Recommendation to appoint a Washoe County Planning Commissioner to the Truckee Meadows Regional Planning Commission to fill an unexpired term commencing on February 29, 2012, and expiring on June 30, 2014 or at the time a successor is appointed. (All Commission Districts.)”

Based on prior Board direction, Bob Webb, Planning Manager, indicated that the Planning Commission provided a recommendation for this appointment.

Commissioner Weber questioned the procedure for appointing Planning Commissioners to the Regional Planning Commission and requested a discussion on the policy and process for appointing Regional Planning Commissioners. She noted their recommendation; however, the next Planning Commissioner in line for Regional Planning was Vaughn Hartung and she recommended him for the position.

There was no public comment on this item.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, it was ordered that Washoe County Planning Commissioner Vaughn Hartung be appointed to the Truckee Meadows Regional Planning Commission to fill an unexpired term commencing on February 29, 2012, and expiring on June 30, 2014 or at the time a successor is appointed.

12-199 AGENDA ITEM 16 - COMMUNITY SERVICES/COMMUNITY DEVELOPMENT

Agenda Subject: “Recommendation to appoint an individual to Washoe County Planning Commission to fill the At-Large South of the Truckee River position for the unexpired term through June 30, 2012. Ten candidates have applied, including James Barnes, Steve Cohen, Thomas G. Daley, Robert Elliot Hall, Thomas L. Judy, Lawrence Nicholson, Kenneth Peterson, Jim Rummings, Robert Wideman, and Richard D. Wood. (Commission Districts 1, 2 and 5.)”

Bob Webb, Planning Manager, indicated that the Planning Commission had provided a recommendation and staff was pleased with the outstanding candidate

pool. He commented there would soon be several vacancies on the Planning Commission and the Board of Adjustment and hoped there would be a number of applicants applying for those positions.

Commissioner Breternitz inquired how the Board appointed Planning Commission members. Mr. Webb explained that applications were solicited for vacancies. Then those applications were presented to the County Commissioner for that specific district vacancy or, in the case of the At-Large positions, those applications would be provided to the affected Commissioners. However, there had been a prior request by two Commissioners for the Planning Commission to review the applications and then make a recommendation to the Board.

Typically, Commissioner Weber remarked that this would be referred to the Commissioner whose district the vacancy fell within. She felt that the applicants were all qualified to hold the position and asked Commissioner Humke to make a recommendation to the Board.

Chairman Larkin clarified that this position involved three Commission Districts. He suggested the three Commissioners individually review the applications and then return later in the meeting with their recommendation.

Commissioner Humke did not agree with the Planning Commission vetting the applications and felt that should be the Board's duty.

Commissioner Weber disclosed that she had spoken with applicant James Barnes prior to him appearing before the Planning Commission.

Commissioner Humke suggested the Board relate their preference individually. Chairman Larkin said if that would occur, he would delay the vote until later in the meeting in order for all the Board members to review the applications.

Commissioner Jung said that applicant Steve Cohen had approached her and explained that he had been attempting to be appointed to the Planning Commission for some time.

There was no public comment on this item.

Commissioner Breternitz moved to appoint James Barnes to the Washoe County Planning Commission. Due to a lack of a second, the motion failed.

Commissioner Humke moved to appoint Robert Wideman to the Washoe County Planning Commission. Due to a lack of a second, the motion failed.

Chairman Larkin stated that this item would be heard later in the meeting.

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Later in the meeting, on motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried with Commissioners Humke and Jung absent, it was ordered that James Barnes be appointed to the Washoe County Planning Commission to fill the At-Large South of the Truckee River position for the unexpired term through June 30, 2012.

12-200 AGENDA ITEM 17 – DISTRICT ATTORNEY

Agenda Subject: “Discussion on invalid action at February 6, 2012 joint meeting to set another joint meeting for March 19, 2012; possible action to set a special meeting on March 19, 2012 in joint session with the City Councils of Sparks and Reno, and the Washoe County School District Board of Trustees on a set of topics, and directing the clerk to provide statutory notice of that meeting; possible action to rescind any invalid action taken on February 6, 2012 and direct the chair to return to the established process for setting joint meeting dates and agenda topics; or to direct staff on alternatives. (All Commissioner Districts.)”

Paul Lipparelli, Legal Counsel, explained that during the February 6, 2012 Joint Meeting with the City Councils of Sparks and Reno, and the Washoe County School District Board of Trustees, public notice was not provided that the joint bodies would be departing from their process established in 2007 for the setting of joint meeting agendas. He felt it was not intended to potentially violate the Open Meeting Law, but when the discussion began with a member picking a future date for a joint meeting it then evolved into a motion. It was later recognized that there was not an agenda item under which a vote could properly be held.

Mr. Lipparelli explained that the Board could act in this noticed public meeting to set a special joint meeting outside the regular process or, return to the usual process for the establishment of joint meeting dates and agendas, which involved the meeting of the Mayors, the presiding officers of the County Commission and the School Trustees to each select two items to be considered for a joint meeting. He informed his counterparts that the Board would take action to either ratify what improperly happened or return to the established process for setting agendas.

Commissioner Breternitz asked if the other entities made the same determination. Mr. Lipparelli did not know the answer to that question. He said he alerted his colleagues that the Board would be given the opportunity to cure the problem, but he did not have any information if they concurred with the opinion about the invalidity of the action. Commissioner Breternitz stated he had not supported setting a date at the February 6, 2012 joint meeting because there was an established process in place by all the parties, which allowed for vetting of items and for the meetings to proceed in an orderly fashion. He felt it was important to have another joint meeting; however, he said he believed in the established process and suggested directing the Chair to return to that process. He asked that the process take place as quickly as possible.

Commissioner Jung stated if the Board returned to the regular way of setting the agenda it would be another quarter before the joint bodies met. She felt it was owed to the taxpayers to discuss the regional issues and a meeting should be conducted sooner rather than later. In order to satisfy the citizens about the issues that were raised at that meeting, she believed that the joint bodies needed to meet on March 19, 2012.

There was no public comment on this item.

Commissioner Weber said that she supported the special meeting and the setting of the date. However, the policy from 2007 did spell out the process to schedule joint meetings. She would support this going back to the Mayors and the Chairman and ask them to support the March 19, 2012 date.

Commissioner Weber moved that the March 19, 2012 date go through the Mayors from the Cities of Reno and Sparks and the County Commission Chairman for the proper process and that the Chair encourage the two mayors to abide by the procedures set in place. Commissioner Jung seconded the motion.

Chairman Larkin clarified that the invalid February 6, 2012 approval of the March 19, 2012 joint meeting would be rescinded and the Chair be directed to return to the established process for setting joint meeting dates and agenda items and encourage the Chair to work with the Mayors to set the March 19, 2012 date with the suggested items to discuss. The motion-maker and the seconder agreed.

On call for the question, the motion passed on a 5 to 0 vote.

12-201 AGENDA ITEM 18 – DISTRICT ATTORNEY/FINANCE

Agenda Subject: “Discussion and possible action on establishment of NRS 274.310 procedures for evaluating whether certain tax abatements under that statute would be beneficial for the economic development of the county; and issuing certificates of endorsement for applications for such abatements. (All Commission Districts.)”

Commissioner Breternitz believed that the Board should be on the front-end when looking at the procedures and criteria. He said there were many ways to measure economic impacts, but some methods distorted the reality of what the economic impacts were. He said the Board needed to designate which model they would use and suggested a formula to use regarding the financial impacts the Board would abate over a five to 10 year period and then measure that against the economic impact. This would measure the cost over the long-term versus the impacts over that same term.

Chairman Larkin asked if a net present and value of calculation or a benefit cost ratio was being suggested. Commissioner Breternitz said he wanted the ability to measure the impact of a potential abatement in terms of what it would cost and what benefits it would bring in dollars and cents. As policy makers, he said it was important to have that information while making decisions.

Commissioner Jung agreed. As a region, she said it would be a good exercise to see the best practices for evaluating a true economic impact.

In order to be transparent to the public, Katy Simon, County Manager, said she would prefer benefit cost versus a net present value.

Chairman Larkin commented there were other policy considerations and not just technical issues. After that type of discussion, staff would need to bring back the merits of those since the discount rate that was chosen would affect the benefits and costs. He said the Board needed to clearly articulate and, in order to engage in that discussion, the Board needed to be educated on some of those policy actions.

Ms. Simon said that Steve Hill from the Governors Office of Economic Development would also be included in the discussion.

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

12-202 AGENDA ITEM 21 - MANAGER

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

Katy Simon, County Manager, reported that the next Shared Services Elected Officials Committee meeting was scheduled for March 19, 2012.

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

12-203 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.”

Chairman Larkin said that the Regional Transportation Commission (RTC) approved a construction manager for the Southeast Connector and were in active negotiations.

Commissioner Weber announced that the RTC would hold a retreat on March 16, 2012. She said that the Nevada Association of Counties (NACO) Commissioner Norm Frey reported that Governor Brian Sandoval had applied for single board status for the Board of Labor, which would eliminate Nevadaworks and that they requested those services continue and contracts remain.

Commissioner Jung reported that the Garden Shop Nursery contacted her about a year-round farmers market that was being conducted. In their ability to offer certifications, the District Board of Health wanted every vendor that held a tasting or a

sampling of their wares to obtain a 14-day permit every weekend. She stated that a new policy would be established to recognize some of the local food movement.

Commissioner Breternitz reported on a long-term project with the Tahoe Regional Planning Agency (TRPA), concerning the Regional Plan update, which appeared to be near completion. There were a number of items that affected Washoe County in that update, and said he had met with staff to ensure that those were kept up and that the implications were understood.

Commissioner Breternitz requested a future agenda item to see if there was interest in establishing a public information process related to keeping the public aware on the fire issues from the Board's perspective. He suggested this be placed on the Fire Board's agenda.

12-204 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.

4:32 p.m. The Board recessed.

6:05 p.m. The Board reconvened with Commissioners Humke and Jung absent.

PUBLIC HEARINGS

12-205 AGENDA ITEM 22 – SOCIAL SERVICES

Agenda Subject: “Second reading and adoption of an Ordinance approving amendment of Washoe County Code, Chapter 45, Public Welfare 45.90. The proposed amendment will authorize direct payments of general assistance funds to eligible indigent individuals and vendors. The proposed amendment will delete the language that authorizes payment by voucher to vendors. (Bill No. 1665). (All Commission Districts.)”

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

Amy Harvey, County Clerk, read the title for Ordinance No. 1483, Bill No. 1665.

On motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried with Commissioners Humke and Jung absent, Chairman Larkin ordered that Ordinance No. 1483, Bill No. 1665, entitled, "**AN ORDINANCE APPROVING AMENDMENT OF WASHOE COUNTY CODE, CHAPTER 45, PUBLIC WELFARE 45.90. THE PROPOSED AMENDMENT WILL AUTHORIZE DIRECT PAYMENTS OF GENERAL ASSISTANCE FUNDS TO ELIGIBLE INDIGENT INDIVIDUALS AND VENDORS. THE PROPOSED AMENDMENT WILL DELETE THE LANGUAGE THAT AUTHORIZES PAYMENT BY VOUCHER TO VENDORS,**" be approved, adopted and published in accordance with NRS 244.100.

12-206 AGENDA ITEM 23 – COMMUNITY DEVELOPMENT

Agenda Subject: "Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement with Lifestyle Homes TND, LLC (Case No DA09-001) Tentative Subdivision Map (Case No TM09-001) for Silver Hills Subdivision. (Bill No. 1660); and if adopted, authorize Chairman to execute the final Development Agreement--Community Development. (Commission District 5.) Continued from January 10, 2012 Commission Meeting."

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Elizabeth Howe said that the developer had met the desire of the Silver Knolls community in keeping the rural atmosphere. She supported approving the Development Agreement that would provide amended language to include V-ditches and the closure of Blackhawk Drive.

Sarah Chvilicek stated that she supported the Development Agreement. She said this project served as an excellent example of what could occur when concerned citizens could meet with developers and work out issues to arrive at a consensus for all concerned. She stated that the two remaining issues were the closure of Blackhawk Drive and the use of V-ditches as opposed to curb and gutter. Ms. Chvilicek remarked that she received assurances from staff that the area plan was being considered and that the issue of curb and gutter had been resolved. She understood that an option may be offered that would allow for the approval of the Development Agreement with amended language for curb and gutter and the closure of Blackhawk Drive.

Teresa Aquila said she distributed a petition to the neighbors that resided on Blackhawk Drive. The petition conveyed the wishes of the neighborhood that Blackhawk Drive be maintained as a dead end road. The petition was placed on file with the Clerk.

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

Trevor Lloyd, Planner, conducted a PowerPoint presentation, which was placed on file with the Clerk. The presentation explained Option 1 and Option 2. He said Option 1 would table the item, which would give staff the opportunity to take the two remaining issues back to the Planning Commission for reconsideration and an amendment of conditions. That decision would provide the Board with an accurate Development Agreement, but would require re-noticing and new first and second readings. Mr. Lloyd stated that the applicant was not in favor of that option. He said Option 2 would amend the language of the Development Agreement, approve this Development Agreement and allow for reconsideration of the two items. Staff felt that Option 2 did not change any conditions, but opened up the Development Agreement to allow some flexibility.

Mr. Lloyd displayed the recommended amended language change that read, *“and subject to any subsequent amendments to the conditions or to the map as approved by the Planning Commission specifically pertaining to V-ditches/curb and gutter and Blackhawk Drive connection.”*

Paul Lipparelli, Legal Counsel, said Option 2 may allow the Planning Commission to verify that it did not object to the changes that had occurred since the project went before them. He said it honored the work by the Planning Commission, the process, the public hearings and the compromises that were reached. He said allowing the Planning Commission the option to review the changes to the Development Agreement and compare that to the conditions placed on the tentative map was a way to ensure the integrity of the process. Mr. Lipparelli indicated that the details of the Development Agreement were not part of the published title of the ordinance. He stated this would not be a codified ordinance and the most worrisome part was if the action being taken at the Planning Commission and sent to the Board were consistent with the changes the Board was contemplating.

Robert Lissner, Life Style Homes Inc., stated if the Development Agreement was approved as written, he would commit to returning to the Planning Commission for the two remaining items.

Commissioner Weber said recently a suggestion was made to open Blackhawk Drive, but when that discussion occurred the community assumed that V-ditches had been included in the previous discussions. However, those were not included, but the developer was willing to allow staff to inquire about the V-ditches. She suggested the Board adopt the Development Agreement and then return to the Planning Commission on the two mentioned items.

Chairman Larkin did not want to set a precedent. He suggested conducting a second reading, approving the Development Agreement as written and then on a subsequent motion direct the Planning Commission to consider those two items.

Amy Harvey, County Clerk, read the title for Ordinance No. 1484, Bill No. 1660.

On motion by Commissioner Weber, seconded by Commissioner Breternitz, which motion duly carried with Commissioners Humke and Jung absent, Chairman Larkin ordered that Ordinance No. 1484, Bill No. 1660, entitled, "**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 ADOPTING A DEVELOPMENT AGREEMENT WITH LIFESTYLE HOMES TND, LLC (CASE NO DA09-001) FOR TENTATIVE SUBDIVISION MAP (CASE NO. TM09-001) FOR SILVER HILLS SUBDIVISION,**" be approved, adopted and published in accordance with NRS 244.100.

Mr. Lipparelli stated that this item was an adoption of an ordinance to approve a Development Agreement. The Board had the representation from Mr. Lissner that he committed to returning to the Planning Commission for their approval with the final version of the Development Agreement. He said Mr. Lissner could work with staff and have that placed on the Planning Commissions agenda, but cautioned the Board about making motions on processes and items not on the agenda. Chairman Larkin asked if a motion could be made to direct the County Manager to direct her staff to work with the Planning Commission on this item. Mr. Lipparelli stated that would be appropriate.

On motion by Chairman Larkin, seconded by Commissioner Weber, which motion duly carried with Commissioners Humke and Jung absent, it was ordered that the County Manager direct staff to work with the Planning Commission on this item.

* * * * *

6:31 p.m. There being no further business to discuss, on motion by Commissioner Breternitz, seconded by Commissioner Weber, which motion duly carried with Commissioners Humke and Jung absent, 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*

**INTERLOCAL AGREEMENT BETWEEN WASHOE COUNTY AND THE
JUSTICES OF THE PEACE OF THE TOWNSHIP OF SPARKS**

This Interlocal Agreement is made and entered into this 28th day of February, 2012 by and between Washoe County, a political subdivision of the State of Nevada (hereinafter "County"), and the Justices of the Peace of the Township of Sparks (hereinafter "Sparks Justice Court").

Whereas, Chapter 277 of the Nevada Revised Statutes authorizes public agencies to enter into interlocal and cooperative agreements with each other for the performance of government functions; and

Whereas, pursuant to NRS 4.020, the Sparks Justice Court qualifies for an additional third Justice of the Peace to be elected at the November 2012 general election; and

Whereas, pursuant to NRS 4.020, a Justice Court may waive filling the additional Justice of the Peace seat, if in the majority opinion of the justices the caseload does not warrant the additional seat; and

Whereas, in the absence of the additional Justice of the Peace, the increased use of services of pro tem judges to provide coverage for judge absences and ensure the timely hearing of cases for the public and the addition of new court staff will enable Sparks Justice court to process its cases efficiently and without delay; and

Whereas, in light of the consideration contained in Paragraph 1 below, the Justices of the Peace of the Sparks Township have waived filling the additional Justice of the Peace seat at the November 2012 election and a copy of that waiver is attached hereto and incorporated herein as Exhibit A to this Agreement.

Now, therefore, it is hereby mutually agreed as follows:

1. In return for the waiver contained in Exhibit A, County agrees that the following provisions are to restore funding to the Courts budget, effective July 1, 2012 and remain in effect for fiscal years 2013 and 2014:
 - a. Judges salaries - \$26,000 to restore the Court's budget to cover the judges' annual salaries in full as required by state statute.
 - b. Pro Tempore resources - \$11,275 to restore funding to provide Judge Pro Tempore calendar coverage.
 - c. Office supplies - \$10,700 to restore funding for office supplies.
 - d. Interpreter resources - \$20,000 to restore funding to provide contract interpreting services.

12-186

2. Employees' compensation will continue based on the shortened work-week until July 1, 2012 unless and until a final agreement is reached with WCEA for a concession that may be less than court's current concession. On that date, the Court will have the option of restoring work hours through the end of FY2012 so that the Court's total concession is equivalent to the County's agreement with WCEA. This adjustment will take into consideration any accumulated savings in excess of the adjusted concession target for the Court and will be prorated through the end of the FY2012.

Effective July 1, 2012 and continuing through June 30, 2014, employees' pay will be reduced by the percentage agreed to for WCEA unless changed in a successor agreement during the term of this interlocal agreement.

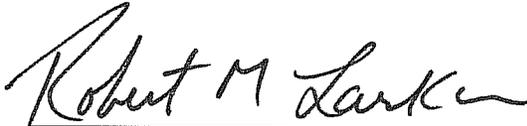
2. All other budget provisions are to remain unchanged.
3. Should current budgetary projections and assumptions remain constant, no additional employee concessions or other budget cuts will be requested through June 30, 2014. If additional concessions or budget cuts are required, the County will make the necessary requests of the Court taking into consideration the savings realized through this waiver, which shall be subject to good faith negotiations.
4. The courthouse project is a separate discussion and is in no way affected by this agreement or discussion.
5. The Court will waive adding the third justice of the peace position for two years and reconsider the decision in 2013.
6. This Agreement contains all the commitments and agreements of the parties, and oral or written commitments not contained herein shall have no force or effect to alter any term or condition of this Agreement, unless modified in accordance with Paragraph 4 below. It is expressly agreed and understood that the 2012 waiver by Sparks Justice Court is not precedent and has no effect upon any future decision whether to fill the third judicial seat.
7. This Agreement shall terminate without further action of the parties on December 31 of the even-numbered calendar year in which the third judicial seat is opened for election following the Sparks Justice Court decision not to file a statutory waiver.
8. This Agreement may be amended or modified only by the mutual written agreement of the parties which has been ratified in accordance with law.
9. In case any one or more of the terms, sentences, paragraphs or provisions contained herein shall for any reason be held to be invalid, illegal, or non-enforceable, in any respect, such invalidity, illegality, or non-enforceability shall not affect any other terms, sentences, paragraphs, or provisions and this Agreement shall be construed as if such invalid, illegal, or non-enforceable provision had never been contained herein.

10. A waiver of any breach of any provision of this Agreement by any party shall not be construed to be a waiver of any preceding or succeeding breach.
11. This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Nevada and venue for any action based upon its terms and the parties' performance thereunder shall be in the Second Judicial District Court of Washoe County.

IN WITNESS WHEREOF, the parties have set their hands with the intent to be bound.

WASHOE COUNTY

SPARKS JUSTICE COURT


Robert Larkin, Chairman


Susan Deriso, Justice of the Peace
Department 1

ATTEST:



Amy Harvey, County Clerk


Kevin Higgins, Justice of the Peace
Department 2

12-18-16

MEMORANDUM OF UNDERSTANDING
BETWEEN
WASHOE COUNTY MANAGEMENT
AND THE
JUSTICES OF THE PEACE
OF
THE TOWNSHIP OF SPARKS

Whereas, pursuant to NRS 4.020, an additional justice of the peace seat must be created for the Sparks Township Justice Court and placed on the ballot of the next general election which is November 2012; and

Whereas, pursuant to NRS 4.020, a majority of the justices of the peace of the township may elect to waive the additional justice of the peace seat, if in the majority opinion of the justices the caseload does not warrant the additional seat; and

Whereas, the Sparks Justice Court has had to expand the court calendar to increase the accessibility of the court times for all case types; and

Whereas, the Court has had to increase the use of senior and *pro tem* judges as an effective and economical way to provide coverage for judge absences and ensure the timely hearing of cases for the public; and

Whereas, the change in the judicial filing timeframe to January 3, 2012, has caused this matter to be contemplated at an accelerated pace.

Now, therefore, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. County staff and the Court will bring forward an Interlocal Agreement at the earliest County Commission meeting. This agreement will forward commit:
 - a. Funds to be restored to the Court's budget to cover the judges' annual salaries in full as required by statute.
 - b. Employees' pay will remain at the 7% level until July 1, 2012. On that date, the work hours will be adjusted to a level that is monetarily equivalent to the concession for WCEA (definitely known by this time), but not to exceed the current 7%. To the extent there is excess or over collection through July 1, 2012, said amount will be prorated into the fixed concession which will remain in effect until June 30, 2014.
 - i. In the alternative, fulltime hours may be restored together with an equivalent wage reduction and/or a health benefit contribution.
 - c. The following operating expenses will be funded out of the General Fund rather than paid for with Administrative Assessment fees:

• Service Contract (Pro Tem)	\$11,275
• Office Supplies	\$10,700
• Interpreter Costs	\$20,000
 - d. All other budget provisions are to remain unchanged.



Sparks Justice Court

630 Greenbrae Dr.

Sparks, NV 89431-5099

*Susan Deriso
Justice of the Peace
Dept. 1*

*Janine Baker
Court Administrator*

*Kevin Higgins
Justice of the Peace
Dept. 2*

December 30, 2011

Mr. Lorne Malkiewich, Director
Legislative Counsel Bureau
Nevada State Legislature
401 South Carson Street
Carson City, NV 89701-4747



Re: NRS 4.020 – Waiver of Election for Justice of the Peace for Sparks Township

Dear Mr. Malkiewich:

This letter is to inform you that pursuant to NRS 4.020(3), Sparks Justice Court is hereby waiving the election of a third Justice of the Peace for the Sparks Township.

While the court has been entitled to a third Justice of the Peace pursuant to NRS 4.020 since at least 2001, the current budget situation of the county would cause a financial hardship if we elected to place the third judge on the ballot. The court and the county have entered into an agreement which will stabilize our budget as well as provide other necessary funding in lieu of the third judge.

We are providing this waiver at this time due to the legislative amendments which have moved the filing period for judges up to January, significantly predating the March 15 deadline in the statute.

This waiver only applies to the current election cycle and the court intends to seek the election of an additional Justice of the Peace in the 2014 election cycle.

Very truly yours,

Handwritten signature of Susan Deriso in cursive.

Susan Deriso, Justice of the Peace
Department 1
Sparks Justice Court

Handwritten signature of Kevin Higgins in cursive.

Kevin Higgins, Justice of the Peace
Department 2
Sparks Justice Court

cc: Washoe County Board of Commissioners

Comparison 12-13-11

	A	C
	Personnel costs	Approximate Annual Cost
1		
2	Judge	177,400
3	Judges Secretary	69,600
4	Bailiff (Reno)	69,600
5	Court Clerk II	74,300
6	Total personnel costs identified Oct 2011	390,900
7		
8	Proposed MOU 12-8-11	
9	Full funding Judges' salaries	26,000
10	Service Contract (Pro Tem)	11,275
11	Office Supplies	10,700
12	Interpreters	20,000
13	Total additional resources per draft MOU	67,975
14	No other budget reductions through 6-30-14	unknown

RESOLUTION

A RESOLUTION APPROVING WASHOE COUNTY'S CONVEYANCE OF THE PROPERTY COMMONLY KNOWN AS THE PIONEER THEATRE –AUDITORIUM AT 100 SOUTH VIRGINIA STREET IN RENO FOR NO COMPENSATION TO A CORPORATION FOR PUBLIC BENEFIT FOR CIVIC AND CHARITABLE PURPOSES AND ESTABLISHING OTHER TERMS AND CONDITIONS OF THE CONVEYANCE AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, Washoe County owns a certain parcel of real property in Washoe County at 100 South Virginia Street, Reno, Nevada which parcel is approximately 49,616 square feet in size, is currently designated by Assessor Parcel Number 011-604-01 and more specifically described as:

All that portion of the Southeast ¼ of Section 11, Township 19 North, Range 19 East, M.D.B.&M., more particularly described as follows:

That certain parcel of land bounded on the North by the Southerly line of Mill Street; on East by the Westerly line of South Center Street; on the South by the Northerly line of State Street; and on the West by the Easterly line of South Virginia Street in the City of Reno, and facing about 150 feet more or less on South Virginia Street, and 306 feet more or less on Mill Street.

and which is shown on the attached Exhibit A, (hereinafter referred to as "County Parcel");

WHEREAS, Washoe County acquired the County Parcel at no cost from the State of Nevada subject to certain conditions that have been satisfied (Chapter 360 of the Statutes of Nevada 1963);

WHEREAS, on April 1, 1964 the Board of County Commissioners approved a 99-year lease of the County Parcel to the Washoe County Fair and Recreation Board (now known as the Reno-Sparks Convention and Visitors' Authority ("RSCVA")) pursuant to NRS 244.645 for use by the RSCVA as a convention hall or auditorium facility;

WHEREAS, on April 6, 1965, by resolution, the RSCVA Board of Directors authorized the sale of Revenue Bonds under authority of Chapter 233 Statutes of Nevada 1965 for the construction of the improvements to the County Parcel;

12-171

WHEREAS, since 1968 the County Parcel has been the site of the Pioneer Theatre-Auditorium and later the Pioneer Center for Performing Arts which is listed on the Nevada State Historic Register (Sept. 8, 2004) and the National Park Service National Register of Historic Places (Jan. 19, 2005) and is an outstanding and rare extant example of a monumental geodesic dome in Nevada;

WHEREAS, the Pioneer Center for the Performing Arts ("Pioneer CPA") is a Nevada Non-Profit Cooperative Corporation established in 1988 and is a "corporation for public benefit" under NRS 82.021 as it is recognized as exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, as amended;

WHEREAS, in 2010 the RSCVA entered in to a 5-year renewable Building Lease and Endowment Agreement ("Building Lease") with the "Pioneer CPA" granting to the Pioneer CPA the right to occupy and use the improvements and facilities located on the County Parcel;

WHEREAS, the Building Lease includes provisions requiring: the RSCVA to pay to the Pioneer CPA \$60,000 per year for the benefit of the leased premises, the Pioneer CPA to pay for capital improvements, and for both parties to perform some maintenance of the premises;

WHEREAS, the Pioneer CPA has been successfully operating, maintaining and preserving the theatre for several years, has a board of directors consisting of a cross-section of the community and is and has been financially stable;

WHEREAS, the management and board of directors of the RSCVA have determined that it is in the best interest of the community and the RSCVA to eliminate its role and obligations with regard to the County Parcel and the theatre and has requested that Washoe County terminate the 99-year lease with the RSCVA and convey the property to the Pioneer CPA;

WHEREAS, Washoe County has never operated the theatre on the County Parcel and it is not needed for the present public purposes of the county and the county does not desire to operate a theatre;

WHEREAS, the Pioneer CPA desires to continue to use the County Parcel for the purpose of a performing arts theatre and for other related purposes all of which are civic purposes and some of which are charitable in whole or in part;

WHEREAS, NRS 244.284 provides that a board of county commissioners may convey to a corporation for public benefit real property without consideration if the property is not needed for public purposes of the county and the property will actually be used for charitable or civic purposes;

WHEREAS, state law provides that before ordering the conveyance of any property to another government agency, the board of county commissioners of a county shall, in a regular open meeting, by a majority vote of its members, adopt a resolution declaring its intention to convey the property and set a date not less than 2 weeks later than the declaration of the intent to convey the property (NRS 277.050) and the Washoe County Board of County Commissioners finds that is an appropriate process to follow before conveying public property to a private corporation for public benefit; and

WHEREAS, at its duly noticed public meeting on February 14, 2012 the Washoe County Board of County Commissioners adopted a resolution declaring its intent to transfer the County Parcel to the Pioneer CPA and set a public hearing for February 28, 2012 at which citizens may appear and address concerns about the transfer; and

WHEREAS, a public hearing was held on February 28, 2012 and having given due consideration to all the information on the record and the comments of those who spoke,

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

1. On the basis of the recitals stated above and the evidence on the record of the hearings of the Board of County Commissioners (the "Board") of Washoe County for February 14, 2012, February 28, 2012 and all other relevant dates, the Board hereby declares it is in the

best interests of Washoe County and its citizens for Washoe County to convey the County Parcel to the Pioneer CPA.

2. The conveyance shall be made without the payment by Pioneer CPA to Washoe County of money, rent or other consideration because the County Parcel will be used for civic and charitable purposes.

3. The conveyance shall be made upon the following conditions:

a. that the County Parcel shall be used for civic and charitable purposes as an auditorium and necessarily related purposes;

b. improvements to the property the property will be well and properly maintained;

c. the Pioneer CPA maintains valid status with the Nevada Secretary of State as a Nevada non-profit cooperative corporation or its equivalent; and

d. the Pioneer CPA maintains its status as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

4. The instrument used to convey title to the County Parcel to the Pioneer CPA shall contain a provision that failure of any or all of the conditions listed in paragraph 3 above, the property shall revert automatically to Washoe County.

5. After review and approval of the district attorney, the chairman is authorized to sign any and all deeds, escrow instructions and any other related legal documents necessary to accomplish the purposes of this resolution.

6. The 99-year lease of the County Parcel to the RSCVA in 1964 is terminated.

7. Prior to recording of the documents to convey title to the Pioneer CPA, the RSCVA shall enter into an agreement with Washoe County that provides that in the event the County Parcel reverts to Washoe County, the RSCVA and the county shall restore the terms of

the 99-year lease to share in the legal and financial responsibility of the Pioneer Theatre-Auditorium and the land.

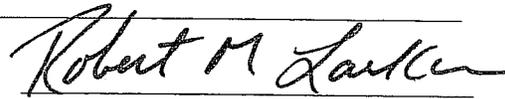
ADOPTED this 28th day of February, 2012 by the following vote:

AYES: Larkin, Weber, Humke, Jung, Breternitz

NAYS: _____

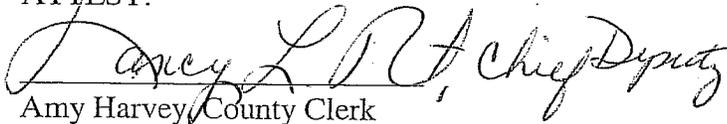
ABSENT: _____

ABSTAIN: _____



Robert M. Larkin, Chairman

ATTEST:


Amy Harvey, County Clerk