SFR INVESTMENTS POOL, LLC, a Nevada limited liability company,

Appellant, v.

US BANK, N.A., a national banking association as Trustee for the Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4, ,

Respondent.

CASE NO.: 636年4ectronically Filed
Feb 212014 12:42 p.m.
District Court Catearber K6tgibdeman
Clerk of Supreme Court

# Appeal from the Eighth Judicial District Court of the State of Nevada In and For the County of Clark 

## APPENDIX VOLUME II

WRIGHT, FINLAY \& ZAK, LLP.
Dana Jonathon Nitz, Esq.
Nevada State Bar No. 000050
Chelsea A. Crowton, Esq.
Nevada State Bar No. 11547
5532 S. Ft. Apache Rd., \#110
Las Vegas, NV 89148
702-475-7964; Fax 702-946-1345

Attorneys for Respondent, US BANK, N.A., a national banking association as Trustee for the Certificate Holders of Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4

| Bate Nos. | Document Title |
| :--- | :---: |
|  | CC\&Rs (part 2) |
| US Bank0251-0353 | AB 204 |

Executed this 21st day of February, 2014.
WRIGHT, FINLAY \& ZAK, LLP
/s/ Chelsea A. Crowton, Esq.
Chelsea A. Crowton, Esq.
Nevada Bar No. 11547
5532 South Fort Apache Road, Suite 110
Las Vegas, NV 89148
Attorney for Respondent,
US BANK, N.A., a national banking association as
Trustee for the Certificate Holders of Wells Fargo
Asset Securities Corporation, Mortgage Pass-
Through Certificates, Series 2006-AR4

## CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY \& ZAK, LLP; that service of the foregoing APPENDIX VOLUME II was made on the 21st day of February, 2014, by depositing a true copy of same in the United States Mail, at Las Vegas, Nevada, addressed as follows:

Howard C. Kim, Esq.
Diana S. Cline, Esq.
Jacqueline A Gilbert, Esq.
HOWARD KIM \& ASSOCIATES
1055 Whitney Ranch Dr., Ste. 110
Henderson, NV 89014
Attorneys for Appellant
/s/ Lisa Cox
An Employee of WRIGHT, FINLAY \& ZAK, LLP

Table 2.2: Permitted Uses

| PERMITIED USES |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | $\begin{gathered} \text { CNG } \\ \text { Po. } 4 \text { Only) } \end{gathered}$ |  |  |  |  |  |
| COMMERCIAL FACLITIES |  |  |  |  |  |  |
| Animal Crpomang | U | $\bullet$ | - |  |  |  |
| Anmal Retail Sales | P | - | - |  |  |  |
| Attists' Suxdos | P | * | $\cdot$ |  | - |  |
|  | P | $\cdot$ | - | - | - |  |
| Eanks and Diverip Sernces U |  |  |  |  |  |  |
| Catenng Services | P | - | - | - | - |  |
| Cominerexal Hee and Enterairment | U | . | . |  | U | U |
| Communcalions Facilites | P | - | - | - | - |  |
| Eating and Dinking Estabitishmeits | P | - | - | - | 1 | u |
| Estabishimerit with Takeout Service | ن | - | - | - | - | 0 |
| Food and Beverapa Sclos | P | - | . |  | U |  |
| Cormenence Markets | $\bar{p}$ |  | - | - |  |  |
| Homarusiness Services | P | - | - | - | - |  |
| Maintenarce and Repair Services | P |  | $\cdots$ | - | - |  |
| Nurseries (Plant Mazatrials) | P | . | - | - | - |  |
| Thira, Busineas \& Prolestional | P | - | - | - | - |  |
|  | U | - | - | - | - | - |
| Personal Services | P | - | - | - | $\cdot$ |  |
| Retail Saps | P |  | * | - | - | - |
| Second Hand Arpolances and Cloftung | U | - | - | - | - |  |
| irate Santus | P | - | - | - | - |  |
| Serviog Stations | U | - | $\cdot$ | - | - | - |
| Accessory Uses | PU |  | - | - | PU | Pb |

[^0]
## 94042902717

Developnent Stands ds for the Green Valley Ranch Mastar Dovelopment Pian Orertay Distric:

Table 2.2: Permitted Uses icontinued)

| PERMTIED USES | LAND IISE GATECORISE |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | $\begin{gathered} \text { CNG } \\ \text { TPanver No. } 4 \text { Only) } \end{gathered}$ | $\text { SFR } \frac{\text { RESIDEN }}{\text { TDA }}$ | HFF | $\frac{O n}{P S I M S T}$ |  |
| RESIDENTIAL |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
| Trailer Estate Subdivision |  |  |  |  |  |
|  |  |  |  |  |  |
| Resadential |  |  |  |  |  |
| Crovirisimenta |  |  |  |  |  |
| Travel and Av Dops |  |  |  |  |  |
| Personal Property Sales |  |  |  |  |  |
| Accessory Uses |  | $\frac{\mathrm{P}}{\mathrm{PU}}-\frac{\mathrm{P}}{\mathrm{P} U}$ | $\frac{\mathbf{P}}{\mathrm{Pu}}$ | $\dot{\mathrm{PU}}$ |  |

PUBLIC AND SEMAPUBLIC


[^1]
## 94042900717

Table 2.2: Permitted Uses (continued)

| PERMTTIED USES | $\underset{\text { (Parcal No. } 4 \text { Only) }}{\text { CN }}$ | LAND USE CATEGORIES |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | SFR | $\frac{A D E N D}{T D R}$ | MFR | PSIISTI | ${ }_{0}^{\text {O }}$ |
| indoustrat uses |  |  |  |  |  |  |
| Led Warehcusing and Storage | P | - | $\cdot$ | - |  | - |
| Mint-Storage | P | $\cdot$ | $=$ |  | $\stackrel{\text { - }}{ }$ |  |
| General Warehousing and Slarage |  |  |  |  |  |  |
| Custem industry |  |  |  |  |  |  |
| Genereal matury |  |  |  |  |  |  |
| Limited industry |  |  |  |  |  |  |
| A\& C Incisty |  |  |  |  |  |  |
| Whctesaling, Distraution and Storage |  |  |  |  |  |  |
| Horticuture, Ltd. |  |  |  |  |  |  |
| Wifties, majos |  |  |  |  |  |  |
| Ufilites, Minor |  |  |  |  |  |  |
| Accessory Uses | PL | - | - | - | PU | PU |

## temporamy uses

| Arts and Crats Shows (outdoer) | u | - | - | - | $\cup$ | U |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Curiatmas Treeltalloween Pumizin Sales | $\stackrel{P}{ }$ | - | - | - | U | P |
| Cirtuses and Camivals |  | - | - | - | U | $\cup$ |
| Lewe Entarternent Events (Temporary) | $\cdot$ | U | U | U | U | U |
| Conventions |  | - | - | - | - |  |
| Retail Sales (Outboon | $\checkmark$ | - | - | - | U | 4 |
| Streat Fars | - | U | U | U | U | U |
| Swap Mests (Norrsacuring) | . | - | $\cdot$ | - | U | - |
| Temp. Reffyous Assenkly | - | U | U | U | 1 | - |
| Trede Fars | - | - | - | - | U | U |

[^2]$$
94042903717
$$

Development Standards for the Green Valley Ranch Master Development Dian Oyctay District

Table 2.2: Permitted Uses (enntinued)

| PERMAITTED USES | LAND USE CATEGORIES |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | $\begin{gathered} \mathrm{O}+\mathrm{G} \\ \text { (Parcei } \mathrm{Mo} 4 \text { Only }) \\ \hline \end{gathered}$ | 趿SHOENTIAL |  |  | $\begin{aligned} & \text { OTHER } \\ & \text { PSIRST OS } \end{aligned}$ |  |
|  |  | SFR | TDR | MFA |  |  |

OTHER USES HOT IN CODE


[^3]$$
9 \therefore 042903717
$$
limitng the types of animals for sale linuting the types of services offered, hming the size of the facility and tmposing site development cotena to ensure the control of noise, odior and to generally ersure adequate bufferng of adjacent uses
c Coi.cmuniestons Facalities: The use is allowed. Condtons of appreval may include limung the location and height of towers and antennas, hrnitung the locaton of satellite dishes and the installabon of other utilites serving the facibity. Communation equpment must adhere to required elecito-magnete raduation standoff distances. The City may require visual unpact anatysis to ensure compatiblify with the sumrounding community
d. Food and Beverage Sales' Allowed 就 an accessory use inchurch, school and parks and cultural facilites Such uses must account for no more than 10 promet of the total fluor area on the site
e Service Stations: The use is subject to at use permit. All facilities shall be a mumum of 100 feet from the boundary of any residential district

All rear, and side yatrds used for vehuruiar cratation, queue space or parking shall be screened at ground levei from the vew of adjacent propertes with walls. planting and or earth berms.
2 Residentral Uses
a. Residential Care, General Tite use is subject to a use permil. The use shallalso be subject to all state and locil regulations and licensing requirements
b. Group Residenhal. The use 15 subject to a use permit The use shall also be subyect to all state and local regulatione and hoensing reowire menta.
c. Travel and RV Parks: The use is subject to a use permit. Conditions of approval may limit the number of RV units and provisions for adduboral open space and common commundy facilties. The use shall be screened around the penmeter with a combl ration of walls, plant material and/or earthen berms
3. Public and Semi.Public Uses
a. Clubs and Lodges. Subpect to a use permut when ocisidered the promary use
of the site Conditions of approval may include lumis on the hours of opetabon and of accessury uses. The use is also subect to all state and locil regulations and licersing requrements.
b Convalescent Home The use is subject to a use permat. The use shall also be surbject to alis state and local regulathons and homsing reyure ments.
c Day Care, Ltd. The use is allowed. The use shall also be subject to all state and local regulations ard licensing Tequiuzments
4. Day Care, General: Thetion is subject to a use permit The use shall also be subpect to all state and local reguletions anc licersing require ments.
e Day Care, Large Famity
The use is subpect to a ctse permit. The use shall also be subject to all state andi local regulatons and noensing requitements.
f Public Satety Faciluter The use is subject to a use permit. Conditions of approval may include limits on speed
through residentaal areas and limuts on the use of slems, atams and wommur. Genons fquippoent
g. Religious Assembly Permithed ondesignated church sites. Permutted in General Commercal district subject to use permit. If the religious facility shares a building net interaled tor such purpose, a tume hmit may be attached to permit.
h. Schools (Pablic and Povate): Public schools permitted on destgnated sites. Provate schools are permitted in General Commercial districts and Residentia! Dustricts. The use sinall alou be suinct to all applucble state and local regulations and licensing requirements.
4. Industrial Uses
a. Warchotasing and Storage Lid. The use is not permurtea in Civ-G in other commprimal zones, the use is subyect to a use permut. All storage shall be withun ar enclosed building. Other condittons of approval may molude res mactions on how materials are moved on and off the site and restrictions

## 96042900717

may be imposed that generaily enture the and equate buffering of adjacent uses.
b Mini-storage, Gereral The use 5 not perriutted in CNG. In other commeryal zones, the use is subject to a use permil Atl storage must be withūn an enclosed building except for tereatonal vehicle storage which shall be completely s-reened at ground level from public ven and the view of adjacent properties. The use shall be for the storage and venieval or stored items orly Nohazardene matenals shall be stored in mind-storage facilities.
c Warehousing and Storage, General: The use is nok permitted in CIN-G. In other conmeralal zones, the use is sulbject to a use perinit. All storge shall be withen an enclosed building. Other conditions of approval may jnclude restrictions on how materials are moved on and off the sile and restrictions may be imposed that generally ensure the adequale bulfering of adjacent uses.
d. Custom Indushy The use is not permitted in CN-G ln other commenzal zones, the use is subject to a use permit The master development plan intends only limuted use of the pioperty ior industrial use and prohibits noxoous industries or industress posing a hazard to surrounding tuses.
e Impited Industry The use is not permulted in :NG. In other commercal zones, the use is subject to a wee permil. The master development plan tntends only lumited use of the property for irdustral whe and prohult is noxious industries or industmes posing a hazard to surmounding uses, Other conditions of approval may melude resinctions on how materials are moved on ard off the site and restrictions may be imposed that generally ensure the adequate bufferng of adjacent w
f Wholesaling Distribution and Storage: The use is not permitted in CNG In other commercal zones, the use is subyect to a use permit. All strage shall be within an

## 94042900717

Gevelopment Slandards tor the Green Valiay Ranch Master Development Plan Overiay Distnct
onclosed building. Other conditions of appioval may ukivide restrations on how materials ate moved on and off the site and restnctions may be umposed that generally ersure the adequate buffering of adjacent uses.
g. Utilities, major The use is subject to a use permil No such use may be located withis 100 feet of a residential district. Conditions for approval may inciude screening of tacalibes from the view of adiacent tues through a combination of walls, plarting and/or earthen berms, maskung of nolse, and adequate electromagnetre and explosive safety stamd-off distances.
5. Temporary Uses
a. Arts and Crafts Shows (outdoor) The use is subject to a use permit which may be approved ad-rinistratuely The use shall not occur on one site lunger than 7 consectutive days or more than 14 total days within a calendar year and activity is limited to dayrime hours in areas other than the Cuifural/Recreational Dhstricts.

Outdoor achvites shall be
locoted a minamum of 50 leet from any resudential distnct. The activity shall be lecated to provide adequate off. street parking: The criy shall mpose other regulatons as necessary
b. Christreas Tree/Halloween Pumpkin Sales. Permitted in the General Commencal district. When associated with an instituhonal use as a Fost facility the tre is subject to a use permit which may be approved admınstratively The condinons of a use pernit may include a limit to the hours of operation and duration of the act.vity provision of adequate oti-street parkare and location of the use with respect to adjoining residertial areas. The aty shall impose other regulations as treqeandy
c. Circuses and Carruvals: The use is not permilted in CNG. In outher commercial zones. the use shal] not occer on one site longer than 2 consecutue weeks or more than 3 weeks within a calendar year Outdoor activibes shall be located a minimem of 1000 feet from

## 94042400717

any residental district The actuvity shall be located to provile adequate off-street parkng and sale ingress and egress of vehucles and pedestrians. The use shal! provide its own secunty and traffic regulation or the city * shall be compensated for these services. The city may impose other regulations as necessary
d. Live Entertarment Events. The use is not permited in CN-G. Incther commercial Anes, the use shall not pectur on one site longer than 7 consecutive days or more than 14 total days within a calendar year and the activity shall be limited to daytime haurs. Outdoor actuvites shall be loctited a minumum of 1,000 feet from any residential district. The acturty shall be located to provide adequate off-strect parking. The oty shall impose other regulations as necessary
e. Conventions. The use is not permitted in CN-G. In other commercal zones, condtions of the use perrut may include a limit to the hasurs of operation andit duration of the actunty, the provigien of
adequate off-street parking and cher regulatons as necessary

I Retal Sales (outdoors) The use 15 subject to a use permit whech may be approved admurustratively The use shall not occur on one site longer than 7 consecuave days or more than 14 total days within a calendar year and the activity is limuted to daybme hours. Outdoor actuptes shali be located a munimum of 100 feet from any restedental dsstact. The activity shall be located to provide adequate off-steet parking. The cty shall impose other regulations as necessary Restrictions do not apply to Chnstmas Tiess/Hallowean Pumpkin sales.
g. Sireet Fuirs: The use is not permitted in CN-G. In other commerual zones, the use is subject to a use permiti. The use shall not occur on one site longer than " consecu tive days or more than 14 total days withun a caterndar year and the activity is limited to daytine hours. The activity shall he located to provide adequate off-

$$
9 \therefore 042900717
$$

street parkarg. The oty shall tmpose other regulations as necessafy
h. Swap Meets (non-recurring) The use is rot permitted in CN-G In other commercal zones, the use is subject to a we permit which may be approved adminstratively The use shall not cocur on one ste longer than 7 consecutive davs or mere than 14 total days within a calendar year and actuvty is limited to daytume hours. Outdoor activites shall be located a minimam of 100 feet from any residential detrige. The activity shall be locater to provide adequate off-street parkng Thecty shall impose other regulatons ds necessary
i. Temporary Religious Assembly' The use is not parritted in CN-G. In other commercial zones, the use is subject to a use permit witisin the general commercial distrat. The use permit maty be sprated admanis tratively Thecity shall impose regulations as necessary.

- Trade Faiss The use is not permitted in CN-G. In other commercial zones, the use is
subject to a use permut unless the facility is specifically deenoned for surh use Condibons of the use permi! may include a limit to the hours of operation and duration of the activity, the provision of adequate off. street parking and other regulations as necessary

6. Agncaltural Ues
a. Animal Hushandry The use is not perritted in CN-G. In other commercial zones, the tuse is subject to a use permit Conditans of approval may anclude limiting the size of the facilty and imposing site development critena to 루눈 the contal el notes. odor and generally enture the proper buffering of acjacent uses.

7 Other Uses
a. Commerbipl Recreabional Use/Amusenterls. The use is suorect to a the pernit. except in areas coned commertat. Conditons of aqpioval anay in intude limuling haurs of operation. limiting the sale of alcohol and site development criteria to enturue the control of nowe, light tind to generally ersure the proper buffering of adpacent uses.

```
9く042909717
```


### 2.2 Prohibited Uses

The following Uses are prohubited withun all land use districts within the Plan area.
Adult Busineses or Sexually
Onented Business

## Crop Production

Minung Extration and
Froctessing (except dung
construction of on-5ites)
Travel and RV Parks
Trader Estate Suldivisions
Auto Salvage/Junk Yards
Stwoting Ranges and Gun Ciubs
Wastewater Treatment Fucilites

## $\begin{array}{llllllll}7 & 0 & 1 & 2 & 9 & 0 & 7 & 7\end{array}$

### 3.0 Setbacks and Building Heights

The purpose of thus section is to establish standards that will ensure the design of buldings and neighborhoods that are desmable in appearance and compalible with adyacent uses. The standands respond directly to the ongoing innovations ir commercal and housing product destor that require the redefiniuon uf scanciariz zonng termanology The standards for setbacks and buililing heights are the result of thorough research and a knowlectge base provided ty architects and butiders active in curent product development. The Standards prounde the necessary fleribulty to create development whech is safe, affioent ard attractive.

### 3.1 Genera! Standards for Setbacis and Bullding Helgnts

1 All setbacks shall be measured from the outer-wall of any buitding to the property line, ex-luding pop-outs, fireplaces, or bay windows
2. Building Heights shatl be measuted from firushed grade a ${ }^{\text {b }}$ the front yard setback at the lowest point of natural grite to the ridgeline of the roof or to any architectural element conceantig roof equpment, excluditg chimneys or vents.

3 Towers, sipires, cupolas, ciumneys, elevator penthouses, water
tanks, flagpoles, necessary mechancal appurterances and sumulat huilding elements may exceed thr maximum permitues heught by a rnaxumum of 10 feet A use permot uhall be required for features extending moze thart 10 feel above the allowerd heght lunit
4. Projections into required yard setbacks may be permitted as follows provided the condithors comply with UBC cnteria:
a Comices, eaves, mecharical equipment, and ormamental features. two feet
b. Uncovered porches, terraces, planforms, decks, subterra nean garages, and patios. not more than two feet in height.
e. Carponts or covered Farking strictures not closer than 18 inches from a side property line.
d. Balcorves, stairs, and covered porches Six feet into a front or rear yand, and three feet into a side yard

- Bay windows may extend two and ont-half feet into any required yard.
f. Detached accessory structures including cabanas, gazebors, carports and storage structures may be

$$
9 \therefore 042903717
$$

lncated in the sude yard or rear yard area provided they de nolenrmech into font yard setbacks and remaan 5 feet from any property line

8 Pools and spas shali be permitted orly in the side and rear yard cetharls The edge and wall of the pool shall te a mamum of three feet from the property line
5. No bulding or part of any building, archutectural feature or landscape element say occur on any comer lot as to obstruct sight visiblity
6. Residential densties shall be determined on a gross area basts. Gross area ircludes the nght-of way to centerline of adjacent streets but excludes the Southern Beltway right-ot-way

7 The intensity of comalercial development or floor area ratues shall be determined on a net area basss. The area of a site incluces that area within the property line.

### 3.2 Residential Buflding 

The menirnum standards for setbaciks and ber'ring height for residential uses are indicated in Table 3.1. This Table also shows the restrictions of the corresponding City zoning distacts.

### 3.3 Non-Residentlal Building Setbacks and Heights

The minumum standards for setbacks and building helght for nonresidenaal uses are mdicated in Table 3.2. This Table also shows the restictions of the corresponding City xonnif chemets

### 3.4 Paseo Verde Parkway Satbacks

Speciel building eriback and heigit restrictions shall apply to uses that foont Paseo Verde Prikway The Paseo is envisioned as a broad. meandering street and linear open spree serving both to estabtish a thematic landscape and an attractive setting for communuty archutecture. The Paseo is envisorien ds the fowi element of the connmunity for this reason, the character of the street must be carefully plarned with each element along the Paseo reinforcing 1 ts image. The minmum standands for building setbacks and heyhts along Paseo Verde Parikway are indicated in Table 33

### 3.5 General Commercial Fizaway Oifontativin

Additional ste developntent regulivors may pertain to the commercal village locted adjacent to the Green Valley Ranch Parkway and Pecos intersections with the Southen Beltway Trese areas ofter specal

$$
9 \therefore 042900717
$$

Table 3.1: Residential Building Heights and Setbacks

| UNETITYPE | LAND USE DESIONATION | DENSTTY | YARD SETEASKS (FT) |  |  |  |  | HEIGHT | wirn LOT AREA | MBE LOT WIDTH (FT) |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | FRO | Ont | SDE | CORAEA | PEAR |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Condominium | RM-12 | 12 durac | 20 | 20 | 5 | 10 | 15 | 35 | NA | NA |
| Toritinuse | RMt-14 | 14 durc | 20 | 20 | 5 | 10 | 15 | 35 | NA. | HA |
|  | RM-16 | 16 darac | 20 | 20 | 5 | 10 | 15 | 35 | NA | NA |
| Efficaency Lots [ [TPR] Translthonil Density Fiesldentlal (Rh+L) |  |  |  |  |  |  |  |  |  |  |
| Duplex | RM-8 | 8 duac | * | 14 | 5 | 10 | 15 | 30 | 4,800 | 35 |
| Triptes | RM-10 | 10dulac | - | 14 | 5 MOTE devek salage sethat | 10 In accord ped at ASries shall $c$ requrem | 15 <br> with the deralt ntimw幅. |  | NA all reshd zoning Famiy | 35 <br> mitial areas <br> Mesiderital) |
|  |  |  |  |  |  |  |  | - |  |  |
| Eslate Lols [ [3FRI Sfigle Family Rpaidental |  |  |  |  |  |  |  |  |  |  |
| Standart Lots | PS-6 | 6 durac | ${ }^{20}$ | 16 | 5 | 10 | 15 | 35 | $\sim^{4510}$ | 45 |
| - |  |  |  |  |  |  |  |  |  |  |
|  |  |  | 曷 |  |  |  |  |  |  |  |

$$
94042400717
$$

Tabie 3.2: Non-Residential Building Setbacks and Heights

| GREEF VALLEY LAND USE Cortuspondling Henderson Zzaing Cutagory | FLOOR AREA patig | $\begin{gathered} \text { HINHuLuM } \\ \text { Lot } \\ \text { AREA } \end{gathered}$ | - | $\frac{\text { D SET }}{\text { \$1/ }}$ | comer | Hear | MAXIMUH STRUCTURE MEIGHT (FT) | $\underset{\text { LOT }}{\operatorname{MxISTUM}}$ COVEAMGE | $\begin{gathered} \text { MIIMuM } \\ \text { STIE } \\ \text { LAND. } \\ \text { SEAFIGG } \end{gathered}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |  | - |  |  |  |
|  |  |  |  |  |  |  | 35 | 35\% | 12\% |
|  |  | 7,500 | 15 | 5 | 10 | 10 |  |  |  |
|  |  | 7.500 | 15 | 5 | 15 | 10 | 50 | $50 \%$ | \% |
| MST |  |  |  |  |  |  |  |  |  |
| PS Public and SemePublic |  | $\square$ | D | $\square$ | $\square$ | [ | $\square$ | $\square$ | 0 |

[^4]$$
9404 \therefore 900717
$$

Table 2.3:
Paseo Verde Farkway Euilding Heights and Setbacks

| $\begin{aligned} & \text { LAND } \\ & \text { USE } \end{aligned}$ | HINIMUM SETEACK FROM PASEO | BUILDING HEIGHT (FI) |
| :---: | :---: | :---: |
| MFFISFA | 30 | 25 |
|  |  | One foct of additional heught shall be atiowed for each addifiomal loot of setback up to a raximum fenght of 35 leet |
| SFR | 20 | 35 |

GEN COM,
CH, SCH, CUL
CAC

## 94042900717

Development Standards for the Green Valley Ranch Master Devetopment Plan Overay District

| opportunites for commercal uses benefiting from the enhanced access and visibilty provided by the Be.tway The ste area and munimum yard dimersions are as provided for by the ilty Code Freeway Interchange Overlay Districi siàufards. These ctemarris are cot inth in Table 3.4 |  | arculation systems of mitemal devel.spments will be connected where appropnate to eliminale the need to use public streets to drive from one project to another |
| :---: | :---: | :---: |
| Table Freoungy Interch Dlstrict St | Ourlay rds |  |
| Minumumsire A, ea | 10ac |  |
| Miximim Yards IFI |  |  |
| Front | 30 |  |
| Sibe | 10 |  |
| comer | 30 |  |
| Rear | 10 |  |

Inaddition to the standards set forth in Table 3.4, the folluwing shall apply to uses in the contimercial village.

1 At least 20 fect of the front and comer yard setbacks shati be landscaped. Driveways and walks may cross the landscaped area, but no pariong shall be permitted within the required landscaped area.

2 Each project shall provide adequate driveways for autonobile scivice stations, emergency vehicles, and truiks and service velucles. The

## $9 \& 062900717$

| 4.0 Circulation Design Standards | The purpose of the orralation standards is to ensure that the roadways, pedestrian and birycle tratls relate fo surfounding areas of the City and intemally withun the Plan Area These standards are also atended to provide systems which are safe, altractive, functional and appropriate to the proposed distribuuon andi interstaps of hand uses. |
| :---: | :---: |

## a.1 Roadways

The layout of the major streets is in conformance with the City's Masler Streets and Highwiays Plan The circulation consept is based on a flexible gatd extending amproved roadways from the north through the Flan Area. The Plan Area is traversed east / west by Paseo Verde Parkway whirh alers semves as the primary internal organizing element of the commurity The planned roadway system also moorporates the new alignmert of the Southem Beltway and the proposed abindonment of Lake Mead Road and Pantera Dive

The standards provide for streets ef sutable location, width and improvement to sately accommodate vehicular pedestrian disabled pedestran and bucycle traffic. The standards alto afford satisfactory access to police, fire fighting, ambulance, paramedic, ublity. sambaton. and streel maintenance equif ment. The standards indicated represent
mumum cateria Street standards will vary according to on-street parking regurements and required pedestrian facilitis.

The basic system is comprised of seven road types generally correspondsng in name and purpose to the functronai roadway clarsificabons adopted by the City These roadways include Controlled Acoess Artenal, Primary Artenal, Secondary Artenal, Neighbortood/Commercial Coilector, Neighborhood/Local Street att Cul-de-sacs. The Standards for these roads are flexable and respond to a range of circumstances and possibili. tes. Street widthe are thed to tralfic voltime, on-street parking requirements and pedestrian access requrements, all of which are vanables within any particular development. I he general reguumernents axd charactenstics of artenal level roadways are indicaied in Table 4.1 The general requrements and characteristics for residental street design are set forth in Table 4.2. Exact engineered improvenent standardis will te filed with the City's Public Works Department with the tentative maps.

The genoral standards with respett to the design of all roadways include:

1 All tighte-af way, both pubic and pruate, will be desigred to actomnodate antucpated street

$$
94042900717
$$

## Development Slandards for the Green Valley Ranch Hastor Developmant Plan Overtay Distitut

## Circulation Plan



```
9404 4 \therefore 9 0 0 0 7 1 7
```

Table 4.1: Arterial Roadway Design Standards for Public Streets

| подпин | $\frac{\text { R.O.W }}{17}$ | travel LANES | MEDIAN WIDTH (FI) | $\begin{aligned} & \text { BICt I.E. } \\ & \text { LANES } \end{aligned}$ | total b.oc. OHEEHSYN (F) | MA,JOR ACCESS POINTS |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| CONTROLLES ACCESS |  |  |  |  |  |  |
| Pasee Varte Parkway | 125 | 6 | 18'Ralsed | $\begin{gathered} \text { OH } \\ \text { Streat } \end{gathered}$ | 2-36.5 | 666 |


| PRHAARPY ARTERIAL |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Paseo Verde Parkway ${ }^{*}$ | 101* | 4 | 18. 34 <br> (Varies) | $\begin{aligned} & \text { Oft } \\ & \text { Streat } \end{aligned}$ | $2-26.57$ <br> Road Sections | 669 |
| Green Yeilty Parkwy | 100 | 6 | $16^{\prime \prime}$ | Noris | $2-37.5^{5}$ <br> Fload Sections | 660 |
| P4009 Rosd | $10{ }^{\circ}$ | 6 | $14{ }^{1}$ | None | $\begin{gathered} 2.37 .5 \\ \text { Road Sections } \end{gathered}$ | 660 |
| Cemoge Road (Scuth) | 69' | 4 | 18 | $\begin{gathered} 5^{\prime} \\ \text { Each Side } \end{gathered}$ | $\begin{gathered} 2.29 .5 \\ \text { Roas Secters } \end{gathered}$ | 660 |


| SECOHDARY ARTERLAL |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Valle Verda Roed ${ }^{\text {J }}$ | 71 | 4 | Nons | $\stackrel{8}{\text { Each } \mathrm{S} \text { ddo }}$ | 89 | 33 |
| Camege Road (thorth) | 71 | 4 | Nens | $\begin{gathered} \text { B' } \\ \text { Each Side } \end{gathered}$ | 59' | 3301 |

1 Whrot of Grean Vandy Paroway
2 Easl of Grien Valay Parkway
3 Sou th it Paseo Verou Partiow

## $9 \therefore 04 \therefore 400717$

pavenent wdths, curbs and gutter, and medians. Walkways, ublity otstallations, drainage, landscaping and other design consideration will be providut :r thenght-of way or specal gocomen! for puch purpose
2. Additional rights-of-way shall be dedicated for necessary turmong movements, acceleration and decelerabon lanes and bus tum ouls where deterrined appropriate.

3 At a minimum, a 24 foo: clear. paved street section wil be provided for entergency acress on two directional streets and 16 feet of paved street section will be provided for split roadways or
 Additional street width will be provided based on estimated traffe, and onritreet parkong requirements.

Table 4.2: Residential Street Design Standards for Public Streets

| ROADWAY | $\begin{aligned} & \text { CAPACTY } \\ & \text { (ADT) } \end{aligned}$ | $\begin{aligned} & \text { FULL } \\ & \text { ROW. } \\ & \text { (FT) } \end{aligned}$ | $\begin{gathered} \text { MAN. } \\ \text { Q.o.c. } \\ \text { PRVEMENT } \\ \text { WDDTH } \end{gathered}$ | 8.0.c. PAVEMENT WITHW/I PKQ. Lस सE | B.O.C. PAVEMENT WIDTH. W/2 PKG. LANE | $\begin{aligned} & \text { Access } \\ & \text { pollts } \end{aligned}$ | StDEwRLR WDTH |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Rrsidental Collector | \$2500 | 50 |  | to be determaneo |  | 150 | $\begin{gathered} 4.5^{1} \\ \text { Eech Side } \end{gathered}$ |
| Residential Loct | 5999 | $50^{\prime}$ |  | TO BE DETERMINED |  | 150 | ${ }_{\text {Eath }}^{4.5^{*}}$ |
| Residential Local | \$399 | $50^{\prime}$ |  | TO EE DETERMANED |  | NA | $\begin{gathered} 4.5 ' \\ \text { Each Side } \end{gathered}$ |
| Culde sac: | 5320 | $50^{\prime}$ |  | TOBE DETERMINEC |  | NA | $\stackrel{4.5}{\text { Each Sod }}$ |

[^5]$$
94042400717
$$

Primary Artertal
Paseo Verde Parkway
West of Greon Valley Parkway


$$
94042400717
$$

Primary Arterial
Carnegie Road (south)


Secondary Arterial
Cafregre Road (norith)


$$
9 \therefore 042900717
$$

Davelopment Standards for the Green Valley Rencin Master Develooment Pian Overay District


## 94042900717

Development Stardards for the Green Valtey Ranch Master Development Plan Overiay District
4. Residenhal Average Daily Traffir (ADT) shall be estmated according to the followng table

|  | ADT per |
| :---: | :---: |
| Type of Dwelling Unit | Unit |
| Single Famuly Dwellings | 100 |
| Apartment/Condomirulums | 70 |
| Townhouse/ |  |
| Duplex/Fouphex | 6.0 |

The ADT for each residential street will be the toral of ali trafic generated from all houring units served by the street plus any additional through traffe
5. Parkng lanes on residential streets shall be a minimum of 8 fexi in widthath paralled with the curb.
6. Residertial streets, local streets, neighborhood streets and cul-desacs may be designed without on-street parking or with parking on one or both sides of the streel. If the streets are to be desigried without parkıng lanes, calculs. tions and written explamation must be provided which denonstrete that adequate parking erists in a configuration and location that meets the require ments of these standards for resident and vistor parking (see Section 5.0)

7 The design of cul-de-sacs turrarounds shall uncoporate a 45.5 toot turrung radius measured from the back of cutb for aiternate equal accommodation).
8. The design of multi.family and other non-residental cul-de-sac turt-2rounds shall urcorporate a 60.5 foot tum raduus measured from the back of curb for altemate equal accommodabon).
9. Cul-desac Cnteria
a All cul-de-sacs shald have a maximum length of 600 feet measured from the centerline of the connecting street to the face of curb at the end of the hurn-aroundi
b Cul-desac paved turnaroundis larger than 45.5 feet ane discouraged as they result in excessive, heat and visually unatractive expansc of pavement
c The recommended paved radius for a cul-desac turnaround is 45.5leet. The nght-of-way shall extend ten feet weyond the paved section Off center turs srounds and center planted islands sinati be permitted with the approval of the City Engreer

$$
94042900717
$$

Developnent Standards tor the Green Valley Ranch Mastur Dovelopment Plan Overiay Dishct

## Cul-de-Sacs



$$
9 \quad \therefore \quad 0 \quad 4 \quad \therefore y \quad 0 \quad 3 \quad 7 \quad 1
$$

d. I and $Y$ shaped turnarounds on residential streets shall be Fromited with lew erprwual of the Cit 드마의 They sre allowed on dead-end streets with 140 average daily trips or less. A vertical curb is required in the turnaround area and no parkang is allowed.
10. Private street design will be approved as part of a Planned Unit Development for specific subdivisions.

11 Sutewalks are required on both sudes of all public residental streets unless specifically approved otherwise through the Planned Unit Developmient approval for specific subdiviงicis.
12. Landscape islands are subject to separate City Council approval of encroachument permits.

### 4.2 Elcycle Lenes, Routes and Pathis

The bicycle droulation system at Green Valley Ranch is provided for recreational purposes as well as to encourage alternate means of transportation wittuin the rommunty The plan is integrated with the City of Henderson's Regonal Trail Sysem Master Plan. Several types of bicycle taclities are provided for in the Flan
moluding bike lanes, bike roules, and bike paths. The system links imporbant monrusurty alements and proud os 3 mornetion to the mour tan rrails system south of the Plan Area and ties to potential bicycle Eatities of surrounding developments. The conceptual tocation of the primary system components is indrated on the Pedestinan and Bucycie Trail System Plark. The standards for bicycle facilitues shall be as follows
1 Cmedrectional on-strest bike lanes shall be incorporated into each side of Paseo Verde Parkway, Pecos Road, Green Valley Ranch Parhway, Valle Verde Road, Carnegre Road and all offer collector level roads. Orstreet bike lanes for one way traffic shall be a morumum of five (5) feet wide measured from the face of curb.
2. Bike routes shall be estabished within neghborhoods connecting to bike lanes provided on the arterial and collector level r-ads and the open space multipurpose trail system. Bike roules shall utilize neighborhood and loc. sureets atad shall be cleariy marked with sigrage A separate lane will not be provided at the bike route level

$$
940424007: 7
$$

3 Paseo Verde Parkway may incorporate a separate $\begin{gathered}\text { Ef-street }\end{gathered}$ bike path Eacility in the dedicated linear open space south of the roadway The two-directiona) bike path will have a nurumum paved with of eight (8) teet.
4. Controlled bicycle and pedes trian crossing points will be provded at Paseo Verde Parkway as indicated or the Pedestrian and Bicycle Trail System Planh
5. Open space arroyos shali accomprodate an eigh' (B) foot wide, paved, two directional malti-purpose path for bicycle and pedestnan trave!
6. Breyte faclities shall be controlltu dux sugnet in accordance with the Manual of Uniferm Traffic Control Devices.

### 4.3 Pedestrian Paths and Vfalks

The pedestnan system incorporates both sidewalks associated with proposed streets and separate multipurpose paths. The conceptual tocaton of the primary system elements is indicated on the Prdestrian and Bucycle Systern Trail Pian. 'ïne final design and locatioral criteria for the pedestrian sidewalk and path system shatl be in accordance with the following standards.

1 Pecos Road, Green Valley Ranch Parkway, Valle Verde Road and Carnegre Road and all other collector level mods shall incorporate, within the rightofway, a five 6) foot sidewalk for pedestrian use on each side or the road within the space provided between the back of curb and the nght-of-way line. Where the road abuts a hnear open space residential areas, the five ( 5 foot ssdewalk requirement is waved on the side adjacent to the linear open spece and a eight (8) foot mult purpose trail is incorpoToted into the linear open space
2. Sidewalks shall be required adjacent to all other streets withon the dedicated nght-of-way or edpecent cascment ion that purpose, except in the following arcumstances:
a. Where pedestrian traffec is extremely undixely
b Where pedestnan traffic is predominaruly along one slde of the road.
c. On any residental street with 14 or fewer lots or an $\hat{A D T}$ of less than 140 provided that the steet has curbs and dnveway cut . allow access to the dist to each tot

## 94042903717

d. On any residental street with an ADT of less than 400 , provided a sidewalk or pederriap puth is proided in an alternate location (i.e. behend the lot or in adjacent open space)
e. For subdivisions proposing individual singlefantily residental lots, with each lot containing 16,009 square feet of area or more.

All exceptons above require t'. e approval of the Planning Dirertor
5. Sidewalks, where required. shail exfend the full length of the street frontage of the development to provide coñinnuity of pedestran and disabled pedestrian path.

4 Streel furmure shall rot encroach upon the required width of the sidewalk.
5. Sidewalks must be physically separated from any vehucular travel lane by mears of eurbing. changes in grade. barmers, or other means, except at coos. walks
6. A eight (B) toot wide multipurpose path sinall be incomporated into the arroyo open space system for the use of pedertrians and bicychsts.

```
9&042900717
```


### 5.0 Parking and Loading

The Standards for parkng are intended to ensure that adequate offstreet parking and loading fachlies are provided for all potentail uses withen the plan area. In addition, these standatds are intersded io ensure off-street parking is designed in a manner that is easily acoussible. incorporating bamer free design and access for emergency vehucles Finally, these standards provide for oft-street parking facilites that are attractively desgred, well maintained and unobtrusive to adporrmg residential areas.

### 5.1 Parking Requiremante

The following Standards shall apply to all off-s'reet parking facilities inctuding restedential driveway parking,

1 All proposed development shall be evaluated agaitst the parking requirements set forth in Table
5.5. The final number oif spaces to be provided shall be determined at the tentanve map revew The Planrung Drector shall determine the required parking and toading facilities for any use not spectically listed in Table 2.
2. All parking facilities shatil be cesigned in accondance with the standard dimensoors indicated in Table 51

3 All spaces withun a parking facility shaill be accessible without reentering the public Right-ol-way
4. All parking and loading areas shall be paved and adequately marked by paint or by means integrai to the pavemint design or by other methods approved by the City

Table 5.1: Parking Space Size

| USE | TYPE OFF SPACE | STANDARD | CUMPACT |
| :---: | :---: | :---: | :---: |
| Residental | Garage/Carport Uncovered | - $\times 19$ | $7.5 \times 18$ |
| Nowresderitial | Angle Spaces | $9 \times 19$ | $75 \times 16$ |
| Morrasicential (Short-term] | Angle Spaces | $\begin{aligned} & \text { ex } 19 \\ & \text { Douthe Striped) } \end{aligned}$ | $7.6 \times 18$ |
| Atulus | Paraliel | 8.83 | $7.5 \times 18$ |
| All Uses | Hancticapped separated by a 5 t. aisso | $\begin{aligned} & 12 \times 19 \text { or } \\ & 2 \text { an } 8 \times 19 \\ & \hline \end{aligned}$ |  |

## $9 \therefore 142900717$

5. Parkng and loading taciltues shali be designed in such a manner to allow for cafe ingress and egress of vehuctes
6. Curbs and bumper guards thall be nnstalled to prevent any velucle to extend over any property line.

7 Parking areas accommodaing over ten (10) cars and all loading areas shal! be screened by one or a combunauon of low waits, eartien berms, orlandscape material. The scremung devicos shall bea munumum height of three ( $2^{\prime \prime} 6^{\prime \prime}$ ) two leek-six inches.
8. A minimum of 10 percent of parking areas accommodating over ten (10) cans shall be landscaped Linducapong shall iralude ground cover and overluead canopy trees to shade parking stalls and shoutd be distributed exenly throughout ithe parking area.
9 All parkng areas exceph single fanily, sungle family attached, and multi-family driveway parking shall be lit. The method of tighting shall not illumerate adjacent streets or property
10. Pariong provisions tor the handicapped shall include 2 percent of the requred spaces for retail and office uses (Title 19.54.014)

11 Spaces for the handicupped shall be located directly adjacent to a walkway or other area marked for pedestrian use and directiy adjacent to uses for which access is provided. Spaces shall be located so that any uset is not required to walk or wheel betund any other velucles other than their own (Tite 1954.014)

12 Where there is a cormbination of uses on one lot, the number of required spaces shall be the sum of ose required tor each use. If the uses do not operate simultaneously, the required number of spaces shall be determined by a Shared Paiking Analysis provided by the devcloper Any proposed reduction in the required number of spaces must be approved by the Flanning Director:

13 Any condition reiabve to parking and loading berth requirements not addressed by those standa.ds shall be contolled by the Title 19.54 of the Henderson Development Code

## 94042950717

### 5.2 Parking Size and Geometrics

1 The size of requ spaces sfall be in accordanve with the munimam dimensions indicated in Table 51

2 Vertal Clearance for parkung spaces shall be 7 feet.
3. When a parkang space abuts a landscape median or planter, less than 5 feet in hetgnt, the rront two feet of the required Iength for a pazking space may extend over th? planter
4. Aiste widths adjoinung paritide spaces and the corresponding increase in width of angled parking spaces shall be desigred in acon- ance with tie standards set forth in Table 5.2 .

5 Up to thurty (30) percent of the required parking spaces for any wise exery singlefamily restrortul. may be designed as compact or short term spaces see Table 5.1). Aisle widths do not vary with compact parking.

### 5.3 On-Street Parking

1 Onstreet parking shall be prohibited on all Controlled Access Arterials, Primary Artenal Streets and Secondary Artenal Streets.
2 Onstreet parkung shall 're allowed on all collex wi whd local streets as specifically provided for in approved tentative maps or as required by the City

## Table 5.2 Alsie Widths

|  SPACE WIDTH |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  | $90^{*}$ | $75^{\prime}$ | $60^{\circ}$ | $45^{\circ}$ or less |
| 0.00 | 24 | 22.5 | 18' | 13 |
| 0.50 | 23 | 20.5 | - | - |
| 1.0+ | $22^{\prime}$ | - | - | - |

$$
94042900717
$$

## Angle Parking Geometrics for Standard Cars



Tabie 5.3 Angle Parking Dimensions

| stall Lemathezo a Stal wothes |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| H PAROMO ARGIE DEGREES | $\begin{aligned} & \mathbf{S} \\ & \text { סEPTH } \\ & \text { of } \\ & \text { STALL } \end{aligned}$ | $\underset{\substack{\text { WDTH } \\ \text { of } \\ \text { AISLE }}}{ }$ |  <br> SECTOH |  | $\begin{gathered} A \\ \begin{array}{c} \text { AREA } \\ \text { PEA } \\ \text { EAR } \end{array} \end{gathered}$ | $\begin{aligned} & \mathbf{S} \\ & \text { DEPTH } \\ & \text { OFAL } \\ & \text { STALL } \end{aligned}$ | Pr with of paticha <br> PARKKIG SECTOH | $\begin{gathered} \text { AREA } \\ \substack{\text { AREA } \\ \text { PER } \\ \text { CAR }} \end{gathered}$ |
| 30 | 17.79 | 12 | 47.59 | 18.00 | 428.30 | 13.90 | 39.79 | 358.15 |
| 35 | ¢6.84 | $1{ }^{\circ}$ | 49.69 | 15.69 | 399.9? | 15.16 | 42.32 | 331.95 |
| 40 | 19.75 | 12 | 51.50 | 14.00 | 360.54 | 16.30 | 44.61 | 312.28 |
| 45 | 2 C .51 | 12 | 53.01 | 12.73 | 337.37 | 17.32 | 46.65 | 296.87 |
| 50 | 21.11 | 12 | 54.21 | 1175 | 318.46 | 18.21 | 48.45 | 284.48 |
| 55 | 21.55 | 13 | 56.09 | 10.99 | 308. 13 | 18.96 | 5093 | 279.77 |
| 60 | 21.82 | 15 | 56.64 | 10.39 | 304.71 | 19.57 | 54.14 | 281.32 |
| 65 | 2193 | 17 | 60.96 | 993 | 302.18 | 20.03 | 57.06 | 283.29 |
| 70 | 21.87 | 19 | 62.74 | 9.58 | 300.47 | 20.33 | 59.67 | 285.73 |
| 75 | 24.65 | 21 | 64.30 | 9.32 | 299.34 | 20.48 | 61.97 | 288.69 |
| 80 | 21.26 | 23 | 65.52 | 9.14 | 299.38 | 20.48 | 63.80 | 292.24 |
| 85 | 20.71 | 24 | 65.42 | 9.03 | 295.50 | 20.32 | ¢463 | 291.96 |
| 90 | 20.00 | 24 | B406 | 900 | 28800 | 20.00 | 6400 | 288.00 |

```
94001_29%0%711
```


## Angle Parking Geometrics for Compact Cars



Table 5.4 Angle Parking Dimensions

| STALL LENGTH-2'a STALL WIPTHO |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | $\begin{aligned} & \mathbf{S} \\ & \text { סEPTH } \\ & \text { OF } \\ & \text { STALL } \end{aligned}$ | $\begin{aligned} & \text { A } \\ & \text { HIDTH } \\ & \text { OF } \\ & \text { ALSLE } \end{aligned}$ |  |  | $\begin{gathered} \text { A. } \\ \text { AREA } \\ \text { PER } \\ \text { CRAR } \end{gathered}$ |  | $\stackrel{\text { P' }}{\text { P/ }}$ <br> Paiking <br> SECTION | $\begin{aligned} & \text { A: } \\ & \substack{\text { AREA } \\ \text { PPR } \\ \text { CAR }} \end{aligned}$ |
| 30 | 15.79 | 12 | 43.59 | 18.00 | 392.30 | 1190 | 3579 | 322.15 |
| 35 | 16.55 | 12 | 45.10 | 15.69 | 353.83 | : 30 | 37.73 | 205.99 |
| 40 | 1718 | 12 | 36.36 | 14.00 | 324.54 | 1373 | 39.45 | 276.28 |
| 45 | 1768 | 12 | 47.36 | 1273 | 301.37 | 14.53 | 4599 | 260.87 |
| 50 | 18.04 | 12 | 48.08 | 1175 | 28246 | 1515 | 42.30 | 248.48 |
| 65 | 18.27 | 13 | 49.54 | 10.99 | 272.13 | 15.69 | 44.38 | 243.7 |
| 60 | 18.36 | 15 | 51.71 | 1^.39 | 268.71 | 16.11 | 47.21 | 245.32 |
| 65 | 18.30 | 17 | 53.61 | 9.93 | 266.t6 | 16.40 | 49.87 | 247,29 |
| 70 | 88.11 | 19 | 55.23 | 9.58 | 264.47 | 66.57 | 52.15 | 249.73 |
| 75 | 17.78 | 21 | 66.57 | 9.32 | 263.54 | 16.62 | 54.24 | 2595 |
| 80 | 17.32 | 23 | 57.64 | 9.14 | 263.38 | 16.54 | 56.08 | 256.24 |
| 85 | 16.72 | 24 | 5745 | 9.03 | 259.50 | 16.33 | 56.66 | 255.96 |
| 90 | 1600 | 24 | 5600 | 900 | 25200 | 1600 | 56.00 | 25200 |
| Whata 0 + Widh All diment | 10 on almet requ ans mot |  | coss fosds G. Parmit ngaras onde | a nol indiuc two-way tr aff toDi |  |  |  |  |

$$
9 \therefore 042900717
$$

Development Slandards for the Green Valley Ranch Master Develooment Plan Overlay Distrit

Table 5.5: Off Street Parking

| USE CLASSIFICATON | OFF-SIREET PARKING SPACES | OFF-STREET LOADING SPACES |
| :---: | :---: | :---: |
| RESIDENTIAL |  |  |
| Group Restental | t per 2 beds, plus 1 per t00 sq. it. used tor assembly purposes | Classtication ${ }^{1}$ |
| Mulitamily Resutentiat Rental Units | 2 including 1 covered per unit wöh two or more bedrooms: 1.5 including 1 covered fof one-bedroom and otuoio units. Oflosteat guest paring shall be provided fipr at a ratio of 25 spaces per unit. |  |
| Cundominiums and Townhouses | 2 inciuding ${ }^{1}$ covered per unit with Wo or more bedrooms; 1.5 inclucing 1 coverted for one-bedroom ünits. Off-street guest parking shell ba providad tor at a ratlo of 25 spaces per unit |  |
| Peserdortipl Care, Limited | 1 par 2 beds |  |
| Singe-Family Restdential and Single-Family Atacher | 2 spaces. On lots under 20,000 sq It. 4 of ithe 2 spaces must be covered. On wis over $20,000 \mathrm{sq}, \mathrm{ft}, 2$ spaces must be coveled and 2 must to provided oth-street. |  |

## $9 \therefore 041390007117$

Development Standards tor tho Graen valley Ranch Master Duvelopment Nan Oventay Distact

Table 5.5: Off Street Parking (continued)

| USE CLASSIFICATION | Offstinet parking spaces | OFF-STGEET SOADING SPACES |
| :---: | :---: | :---: |
| PULLIC AHD SEMAPUBLC |  |  |
| Cluts and Lodges | 1 per 100 sq. fit Lsed tor assembly purposes | Classifinaton 3 |
| Corvaleseent Facilitias | 1 per 2 beds | Classification 3 |
| Cutural Facilines | 1 per 10 permanent stats: or 1 per 90 sq. ft. tor area used tor asseably purposes* | Slassificaton 3 |
| Day Care Umited | 2 |  |
| Day Care Generat | 1 per twa lacilly menterstempleyees: | Classificatuor 2 |
| Emergency Heath Care | As specified by use pemit |  |
| Govemment Offices | 1 per 300 eq. fi. gross floor area | Classificaton 2 |
| Heliports | As specified by use permit |  |
| Hospiats | 1 per bed | Classifation 3 |
| Mantenance and Serves Facilibss | 1 per 500 sq .t., plus 1 per 500 sq , ft of ouddoor storage area | Classlication 1 |
| Park and Pecreation Faxtlites | As specitied in Section 70 |  |
| Puthic Salety Facilibes | As spealied by use permit | Classification 3 |
| Felighous Assembly | 1 per 50 sq. 4 seating area | Classification 3 |
| Residertal Care, Generat | 1 per 3 beds; plus additional specified by use permit | Classificabon 3 |
| Schools, Pitatic or Private | As spectirad by use permit | Crassification 1 |
| Uuilites, Major | As spectiled by lise permit | Cassification 1 |

[^6]
## $9 \& 042900717$

Development Standards for the Green Vailey Air wh Master Development Plan Overlay Dishnct


Table 5.5: Off Street Parking (continued)

| USE CLASSIFICATIOH | OFF-STREET PARKING SPACES | OFF-STAEET LOADWG SPACES |
| :---: | :---: | :---: |
| commercial. |  |  |
| Antulance Services | 1 per 500 Sq, ft, plus 2 storage spaces | Classification 1 |
| Antral Boarting | 1 per $500 \mathrm{sq} . \mathrm{tt}$ | Classification 1 |
| Anitral Gropmung | 1 per 500 sq . tt . | Classificaton 1 |
| Antial Hospitals | 1 per 400 sq ft | Classificaton 1 |
| Animals, Retail Sales | 1 per 250 sq ${ }^{\text {L }}$. | Classification 1 |
| Riding Stables | 1 per 5 stalls |  |
| Artisis' Studios | 1 per 1,000 sq. 4 |  |
| Banks and Sovrigs 4 Loars | 1 per 300 94, fi. | Classification 2 |
| Dive-up Service | Queue space tor 5 cars per teller |  |
| Butding Materals and Services | 1 per 500 sq fl. plus 1 per 1,000 sq it of outdoer storage area | Classificanion 1 |
| Catarang Serrices | 1960500 sq. ft. | Clastrification 1 |
| Commerdal Finting | 1 per 50084 th. |  |
| Ftineral and Intemment Services | 1 per 35 朝. ft. seating area | Classification 4 |
| Home and Eusmeas Services | 1 per 500 sq th. |  |
| Horticulture, Lemited | 1 per 2 acres |  |
| Laboralories | I per 500 cy . fit | Classification 1 |

$$
94042403717
$$

Table 5.5: Off Street Parking (continued)

| USE CLASSIFICATIO* | OFF-STAEET PATKING SPACES | OFFFTREET LOADAWG \$FACES |
| :---: | :---: | :---: |
| COMHERCSA! (continued) |  |  |
| Maluetiance and Repair Services | 1 per 400 sq. flu, plus 1 per 500 sq. th of outdoor skorage area | Classiffation 1 |
| Nursenes | 1 per 500 sq ft ol outsioe misplay fathe house area, pius 1 per 250 sa. ft gross floor area |  |
| Offices, Eusiness and Professional | t per 3ross. ${ }^{\text {ct }}$ | Chassumation 2 |
| Offres, Medical and Dental | 1 per 200 sq , ft |  |
| Pawn Shops | (per 260 59 角. | Classification 1 |
| Perboral Services | \% per 250 8q. ft . | Classificaton 1 |
| Research and Developmeri Services | 1 per 500 sq , it |  |
| Patall Sales nol Listed Undar Another Use Classiflcalion | Classtication 1 <br> 1 per 250 eq ft | Classtication 1 |
| Furniture and Applance Stores, Households Ecuipment, and Fumiture Pepali | iper 500 54.14 |  |
| Trayel Services | 1 per 250 日q, it |  |
| COHMMERCILL RECREATSON AND ENTERTAIHHENT |  |  |
| Corthing Alleye | 3 perallay | Claseireation 1 |
| Electronic Game Centers | 1 per /pos eq. ft. |  |

## $\begin{array}{llllllllll}9 & 0 & 4 & 2 & 9 & 0 & 0 & 7 & 1 & 7\end{array}$

Development Standards tor the Green Vallay Ranch Master Devolopment Fian Overiay District

Tabie 5.5: Off Street Parking (continued)

| USE CLASSIFTEATIOH | OFF-STPIET PARKINE SPACES |  |
| :---: | :---: | :---: |
| COMMERCIAL RECREATION AND ENTERTAINIENENT (continued) |  |  |
| Skatiry Pints | 1 prar 10 fixed seats, or 1 per 90 sq , ft. saating area it there are no fixed seats; plus ${ }^{1}$ per 250 sq . ft fiopr area mat used for seating | Cassilicalion t |
| Ternis and Racquel Bell Citubs* | 3 percour | Classifination 1 |
| Theateris | tper 300 sq. fl. of seating area, or 1 per too sq if it there are no fixed seats | Classificalion 1 |
| Other Cemamercial Recreation and Entertanment | As specified by the Planting Director |  |
| Communlmatois Faclliss | 1 per 500 sq . it | Classification 2 |
| Eabrg and Drixking Estabishments | 1 per 100 sq ft sazurg area |  |
| Tavers and Supper Couns | 1 per 100 sq. ft. of seating area; phes 4 per 35 sq. ft. datee theor |  |
| Whith Take-Ont Serice | 1 per 200 eq fit gress area. dilus queve space for 5 cars tor Gryerup selvice | Classh cation 1 |
| Food and Beverepe Sales | 1 per 300 sq . ft | Clasafication 4 |
| Personal Improvement Services | 1 per 250 sq . ft. |  |
| Heath ctubs, epas, weight-reduction saiens | 1 per 500 sq. it |  |
| Fidiry Azadernes | 1 per 4 stallis |  |

[^7]$$
94042900717
$$

Bovelopmenl Standards for the Green Valley Ranch Master Development Plan Overlay Distinct


Table 5.5: Off Street Parking (continued)



## 94042903717

Table 5.6: Loading Spaces

| Gross Floor Area (s.f.) | NuMgrar or sfaces niculate |  |
| :---: | :---: | :---: |
|  | $\begin{gathered} 10^{\circ} \times 20^{\circ} \times 10^{\circ} \\ \text { Vertical Clearance } \end{gathered}$ | $12^{\prime} \times 35^{\prime} \times 14^{*}$ <br> Vertical Clearance |
| Use Classlifation Group 1 |  |  |
| 0 to 5,000 |  |  |
| 5,001 to 15.000 |  | 1 |
| 15,001 to 50,000 |  | 2 |
| 50,001 anst over |  | 3 |
| Use Classification Group 2 |  |  |
| 0 to 10,000 | 1 |  |
| 10,001 to 20,000 |  | 1 |
| 20,001 and over | 1 | 1 |
| Use Classification Group 3 |  |  |
| 0 to 30,000 |  | 1 |
| 30,001 to 100,000 |  | 2 |
| 100,000 and over |  | 3 |

# 94042900717 

Development Standards for the Green vallay Ranch Master Development Fian Overia, Distrot

### 6.0 Signage <br> Note: Thus section is in a sepa- <br> rate diocument bled "Green Valley <br> Ranch Master Sign Pmgram"

## 94042400717

Develorment Stardards lor the Green Valley Fianch Masier Development Plan Overtay Distnct

### 7.0 Open Space Development Standards

Open space plays an mportans role in the design and functorung of the plan area. Both ratural and marrowed open space areas work tugether to physicaliy link important community elements, creake a strong identity and provide vasual relief erifantung tine aesthetre character of communty

Desigrated open space areas consist of private, semi-public and Fublicly owned facilties under vanous ownershup and manterance agreements. The open space in the plan area can be classified into four basic categones: Neghborhood Parks, Contmunty Parks, open space associated with Paseo Verde Parkway and the Aroyo Open Space System. Followng are the Development Stanardis tor each category of open space.

## 7.1 Ňeighborhood Parks

The Plian Area includes several istugitiorisood fariks, at 3pproxamately five acres each. The locations for these parks depucted un the plan are conceptial, the exact location and extent shall be determuned dunng the tentative map revew The concept of a neighborhood park is an imagnatively landscaped environment with facilitier for active tecreational use The final desigr and locationis critena for these parks shall be in accordanse with the tollowing stancards.

1 Neighborhood Parks shall be located to serve a radus of 5 miles and should he located within or adpacent to residential neighborhoods, usually within walkang cistance of everyone living an that neghberhood. The neighborhood park shall be predominantly for daytme use
2. The landscape character of the neighborhood park shatl include a combination of enthanced arid landscaped areas for passive and visual enjoyment and fullly mproved turf and lands aped areas for limited active recreation All tandscape design treatments should acknowledge water conserving pnaciples
7 Neighborhood parks should sen'e a drainage functron when possible Nerghborhood Parks offer opporturithes for limited storm water retention groundwater recharge and uptions for other Aramege inprovements. Ihem age features must be carefully integratedi into the diesign 50 as not to visually dominate the park facility or mpose an engreened appearance Neighborhoor parks shall not be a folding area for nuisance water damaging piant matenal and making part tacilitiss unusable for extended penods of tume.

## $9404 \therefore 903717$

Development Standards tor the Green Valley Fanch Master Develiopment Plan Overlay District
4. A murumum ot parkng should be proviced, snce the nelghborhond park is designed to serve the walking distance population
5 Facilites withon a Nerghborhood Park should be planned with consideration to the neyghborhood they serve Just as children's play axea tor very active play is plarmed in neughborhood with young farnulies, so should provisions be made for older ctuzens in a predomunarity adult neghborhood. A typical neghborhood park may i wiude enme er all of the following
a. A multi-parpose ball field and apen play area
b. A playground or tot lot
c Lardseaped puruc areas with barbecues
d. Hard court area
e. Tenus courts (2 max)
f. A sand volleyball court
g. A looped pathway system connected to the comprehensive community-wide trail systrem
h. Dayime restrom facilities
j Security lighting

1. A small service yard
k. A public telephone

1 A cmall parking area

### 7.2 Communnity Parks

There is one Communty Park identified in the plan area. Because the commusuly park is intended to serve the enure vilage ot is centrally located The Commuraty Park has been located along Paseo Verde Parkway re.nforang this feature as the central orgarizing communty element. The concep ${ }^{\prime}$ of the Community Park is to serve a whe range of recrationat need in an imaginatively landscaped setting integrating facilites for intense active recreatornal use and passive recreabional enjoyment. The final design and piansing of the Community Park shall be in accordance with the following: standatls.
1 The Community park should be easily accessible to the sumpunding village and integrated into the community The park is a key destination in the comprehensive commu-ruty-wide pedestrian/bicydle trail system. The Comerunity Park shall be located near a major street and have velicular access from a collector.
2. The Community park is intended for bolh daytume and evering use.
3. The landscape character of the community park shail be predominantly fully improved

$$
9 \therefore 04 \leq 400717
$$

turl and tandscaped areas intended for very active, intense recreation but should also unclude areas of ennanced and landscaped tor passive enpeyment All landscape treatnents should acknowledge water conserving prnciples.
4. The Communtry park should include adequate parking The number ef parking spaces will be determined on an individual basis, based on the park program.
5. The locition of racilites that generate unwanted noise, rightime flumination or other nutsances should be planned to minimize negative impacts to adjarent residential areas.
6. The Community Park should sensituvely incopporake a drainage and retention function contribuing of the Fitans Areas overall drainage and flood control concept.
7 The Cor:muniry park shall be designed to serve a village or cluster of neeghborhoods and a wide range of people in the commuruty A typical comma. nitr park may include some or all of the foliowing.
a. Lighted Easeball and softball fields with bleachers and corcession area
b. Aswimming pooi
c Lighted ternus courts or other court games
d. Picurc areas and group ramadas
e. A neighbyrhood recreation center or club
f A small pond, lake or other water feature
g. Lighted trails and facilbes
h. Lighted blcycie and pedstrian trails

1. Basketball court
j Restroom fachities
4 Contel haillitite
2. Sand volleybail courts
m. Publec safety facilitios
n. Parkng area
(6. Secunty lyghing

### 7.3 Paseo Verde Parkway

Paseo Verde Parrway serves as the central linear fo $;$ of the plan area. The identity $t$ the Paseo is Bed to it prmat: charetenstics wheh include ample landscoped setbacks and open space, its gentie meardering desegn serving as a realm for creating public archilecture and a seting for community activibes The Paseo also serves as the pronary east west vehide circulator for pedestrians and vehictes.

## $94042 \boldsymbol{2} 0717$

Devebopmen! Slandards for the Green Valley Ranch Master Development Plan Ovarlay Distrc!

The final design and physicai umprovemert of the Paseo shall be :accordance with the tollowing standards

1 Paseo Verde Parkway extends trom Valle Vtide Ruad to Pecos Road The Paseo will consast of a dedrcated rifin-ul-way for the street ptus a dedicated linear Fark cutsade the nght-of way The resegn of the rondtuay withun the nght-ot-way will vary depending on the voiume of traffic and final determination of access points (see Section 30).
2. The landscape character of Paseo Verde Parkway shall be pre dominantly tush with alterrating tur and other ground rovers and shrubs providing seasonal color A bimited pallet of overinead canopy trees and acceni trees shall be selected and patterned to reinforce a contimuty in the landiscape along the Dasen.
3 Public access to the Paseo will be maximized arong its length especially where commeroal and $f$ ablic uses front.
4 Areas where arid open space arroyos intersect the Paseo have been identified as significan. locations where speal pedes-
tran nodes can be developed These mindenation inde speal seating areas, munor ronveruense and comfort facilities such as drukang founians and entanced landscape treatments.
5. Areas where macr north/south roadways intersect the Paseo have been identified as signuf: cant locations where the Paseos importance as a communnty feature is elevated because of its increased visibility
6. The use of the Paseo shall be predomunately for passive and visual enpoyment. The width of the Paseo shall accommodate pedestrian and bicycle facilites añd sturnutary acuess irativ conrectang to adpaning development and public and semul public uses positioned along the Paseo Other improvements along the 1 ateo may inclade
A. Slandardized street furni ture, pedestrian and street lighting
b Seating and shade opportunutues at pedestrian rodes
c. Integrated communily directional signage
d Drinking fountairs

## 96092900717

### 7.4 Arroyo Open Space

 SystemThe amoves that traverse the
Plan Area frotn south to north provide the framework for the vilage open space systems and the primery drainage system to convey storm water runoff through the sile The arroyos intersect Paseo Verde Parkway at regular intervals prowiding connections w the east and west. The arrayo open space system will be built and maintaned by the master association. The final design and focational considerations shall be in accordance with the following standards.

1 The design of the arroyo open space system shall take into corbuctetation drainage requue ment as determined by the master drainage plan. The master drainage plan will identify peak volumes of munoff to be conveyed trough the arroyos as well as required widths and methods of storm water and erosion management. The master drainage plan will likewise take into corsideration the desired function and use of the anoyos as an attractuv, safe,
open space system accommoda: ing pedestran and brycle cinculainut, other limited passive recreational activities and enhanced arid landsceped arezs

2 The lexiscoped character of the anoyo opert space shall be predominately enhanced and landscape with internittemt oasis featuring more lush intensified landscapes The landscape treatment will continue the ratural essence of tine desert arroyo wash etilizing only specific plant matenals nocluded in the supplemental plan list.
3. The cross secuon of an arroyo open space may include some or alt of the following devies to actinniadate stom water runoff, a meandenng low flow channel, subterranean culverts to accommodate larger more sulustantial storm water flows, storm water retenbon areas, baffing tealures to stow storm water runoff and openchannes designed to contris and convey large volumes of storm water runoft. All engineered drainage features shall be carefuliy designed to blend with the desred ratural seting

## 96042900717

### 7.5 Walls

Walts are an integral part of the community archiceture Coñisteriny in the design of walls is essental in establisturg a contnuity in the streescape Walls can provide decorative appeal. privacy, security, buffening of uncompatble land uses and screening of unsughtly uses. Types of walls indide the Cummunuty Theme Wall, Permeter Profect Walls, Rereation/School-ground walls/fencing parkang lot walls celanung walls and arroyo theme walls. The following standards should be conssdered in desigring walls withir Jreen Valley Ranch.

1 Generat
a Walls, fences and pilasters
 compatible with the overall therne and character of Green Valley Ranch
b. Whena change in pad elevation or other transition cours, a wall or tence should be starped in equal vertical intervals not to exceed 30 inches in height. The erds of walls should return into the site to maintain a finished appearance.
c. Long stretches of unrelieved flat walls should te avoided The design of walls should incorporate pgs, off-sets ared cutouts fer platiting
d Curvilinear sectrons in wails are permulted if they are compatible with the overa! dessred character of the development.
e The matenals, onlor, and firush of all walls shall be compatible with the site archatecture and with the commanty theme wall.
t Walls shall be penodically mantaned and refinushed. Damaged walls shatl be repaired withun a reasonable period of time
g. Wall and pilaster heights shall be inmited to three feet within any requited sight trangle.

2 Communty Theme Wall Design Concept

In order to establish a recognazable end _ohesive appearance throughout tre community a conmon theme wall desigu concept has been established. The conmmunity theme wall will serve as the batis for all other wall design.
a. Development parcels adpoining Paseo Verde Parkway, Green Valley Parkway, Valle Verde Road and Desert Shadow Trall shall instatl a common community theme wall

$$
9404<903717
$$



## Community Theme Wall



Community Theme Low-Wall

## 9404290071

b The community theme wall shall be located at the property line exuept as otherwise approved by the Design Revew Board
c. Depending on its intended purpose and locaton, the wall and pilaster sinall be at least 24 inches in height or may vary in height up to 10 teet When adporung the rear and stade fards of single fanily or attached single famuly areas, or a single toaded penmeter neghborhood street, the wall and pilaster shall be no greater than 9 feet in height not induding को retarnug wall condition. When adjoining the front pottion of a stde yard of any residential area, such as typ lly ocaurs at a neghborhood entry, the wall and pilaster shall be lowered to a maximum height of 48 inches.
d. No wall is required witen the Paseo adjoins a park on other puble or semu publac faclity except whete a wall 15 rended to screen parking ateas, service areas or otner features requiring screening.
i. When adjoiuing a service area or other
area requiring screent
ing, the wall shall be no less than the obect
being screened up to 9
feer in height.
it. When adporning a
parkung area or the front yard or side yand of any multi-famuly housing area that adjonss an at,enal road, solid walls and pilasters shall be a maxamum of 48 nnches in height. Fuli View walls with pilasters and Partial View walls with pilasters are allowed up to 9 feet in heght:
e. The theme walis shali be constructed of concrete masonry block units and finished with stucco. Pilasters may rise no more than 18 triches from the top of the highest adjoring "oill segrent, and shall be placed at 50 foot average intervals or 39 required at the end of wall segments, property line intersechons, or where wails turn or pg . The oistance between pilasters should be averaged tor any given segment of wall. Generatly the distance between pulaster should range between 45 to 65 feet.

$$
9<04240-717
$$



## Perimeter View Wall



## Perimeter Partial View Wall

## $9 \therefore 042900717$

3 Permeter Walls
Penmeter walls enclose a development parcel providing privacy. secunty or decoratue appeal tor the development Perimeter walls, that are not also a commursty theme wall will affin led more flexibilty ir design and appearance but should be generally cosipabible with the established commuruty theme wall The following gurdelines shail be considered in the design of the penmeter walis for individual development parcels.
3. A6 foot to 7 foot average height wall with pilasters shali be required along interior property lines separatug indindual residenbal builder parcels not to exceed 9 feet in height, not includsng any required retaining wall condition. A single wall is required where two parrels abut each-other. Walls are not required where internal open space areas abut the arrayo open space system.
b. A 6 foot to 7 footaverage height wall with pilarters shall be requred atong me interior property bne of any commercial use where service vehucle loading and
unloading or similar activity would otherwise be visible from ad,oning properties or the rghtol way or any adjoinung street, not to exceed 9 feet in height, not maiuding any required retainuing wall condition
c. Wail designs not fronting Paseo Verde Parkway. Valle Verde Road, Desert Shadow Trall or Green Valley Parkway. may, vary from project to project, however, all perimeter walls shall be compatible in overall design with the community theme wall.
d The preferred construction material for a perimeter walls is concrete masonry unts finished with stucco.
e. The color of a perimeter wall shat! be compatible wilh the Commusty Theme wali and any adjacent Penmeter walls as approved by the cesign review board.
f. Curvilinear walls shall be permitted tt therr effect is consistent with the overall design character of the communty
g View segments may be incorporated into perimeter wall designs where privacy

```
9404 2900717
```

Development Standarcs for the Green Valley Ranch Master Development Plan Overiay Distric!


## Ornamental Metal Decor Wall



## $9 \therefore 042900717$

Development Standards for the Green Valley Ranch Master Development Pian Overtay District
,
or screening are not required. Fertana lowations fronting the arroyo open space system or other recreatnonal features may be appropnate leations for limited vew wall segments. The locations and design of vew wall segments shatl be undicated on the tentative map and concepl plan submittals
h. Metal or wooden gates are pemitted between common areas if such gates are ponsistent with the character of the wall Gates shall not be allowed between the yard of ant privaie rebuleme and common open space All gate designs and lections must be spedifically approvis by the Design Review Board
i Project entry signage should be integrated into the wall design
4. Fark, Church and Schuol Site Walls/Fencing
Walis and terking are often desired around school sites, rhurches and parks for security. safely and control. It is preferred that these bamers be kept to a minidum through careful site design teparating controlled
areas, play areas and sports activities from potential conflicts with traffic on penmater rends or other impacts from extemal fores When no altemabves exist to walls or fencing, the design of walls and fencing should lake into considerabon the tollowing guidelines.
a. If a wall or fenong must be constructed, the desugr should be consistent with Loth the buldings architecture and any adjacent Perimeter walls. View sections should be incorporated to वeate a spacoous appearance trom the public rugit-ot-way
b. If the tacility occurs along Paseo Verde Parkway, the design of the wall shall be consistent with the Comintunily Theme Walk
5. Parking Lot Walls.
a. Parking areas shall be screened from streets with a Ifw wall not to exceed four feet in height encryt where petwce area screening is appropnate
b. The material, color and the finush of the wall shall be consustent with other project walls.

## $9 \therefore 042900717$

6. Retaining Wals
a Terraced retaining walls are preferred. not to exceed 4 feet of retained soil per watl Walls retainung more than 4 of soil are allowed only in special conditions. They should be compatble with other project walls and must receve specific approval from the Design Review Board.

7 Arroyo Theme Walle and Guardrails:

Ambro Fheme walls and guardrails endose flood control corridors and ublity etsements providing identity and decoratove appeal to the pedestrian/ open space network which links undividual neghborhoods to the Paseo and the balance of the commuruty Aroyo Theme walls, guardrails and pilasters shall be corsistent with Penmeter watl design gudelines except for firush matenals. Arroyo Theme walls and guardrails shall be ninred wherever deomed necessary within the arroyos, aroyo parks and utility easements, preferably at street crossings.
a. Ampyo Theme Cundrat

Arroyo Theme guardrals and plasters shall not exceed 48 inches in height and are located where local codes require; typically, parallel to. and on both sides of streets whuch cooss arroyos.
b. Arroyo Theme Wall

Arroyo Theme wails are a
maxamum 36 inches in
height and are preferably
located near entrances and boundanes of ancyo comndors, arroye parks, and utility easements Arroyo Thene wall pilasters may reach a maximum $9^{9}$ in height to support decorative trellis structures.
c. Arc yo Culvert Headwall

At all culvert undercrossings, headwa]l finish shall be corsistent with Arroyo Theme walls.
d. The finush maternl for the Arroye 1 heme walls and pilasters is roughly coursed Sandstone, Guardralls are to be ornamental metal which must meet local structural $\mathbf{q}^{4}$ andards.

$$
9404 \pm 900717
$$



## Arroyo Theme Wall



## Arroyo Theme Culvert Headwall

## 94042900717

Developmert Standards for the Green Valley Ranch Masier Developmen! Plan Overtay Disinct

### 8.0 Review Process

The review process diescribed herem rereves its authont, from the City of Hendierson. The process ncorporates the City of Henderson review procedurim ard atres to sumplify and streamlune certann steps. However, submittals shall be in accordance with established ordrnances and subnittal requirements at the time of actual submittal to the City The plan review process will ensure cornpatbility with the master development plan and thereby the goals and poincies of the City of Herderson

### 8.1 Administration

The Plannuty Director of Communtry Develupment (the Plarrung Director) shall be the primary administrator of the Review Process. The Director shali bave the authonty to interpret tire standards, and make decisions on land use issues net addressed by the plan.

### 8.2 Specitic Plan

Strbequent to the City Cound (the Councal) approval of the master development plan, the master developer will prepare and submit for approval by the Plaruung Comunssion (the Commission) and the Councll tentahve maps for each phase of development Thus submital, and subsequent subritaits on future phases will serve as the "Parent

Tentative" for individual tentabve maps to be filed by indivicual developers. The purpose of the Parent Tentatue is to ensure that adequate thought ts guer to the interrelat. -stups between multople parcels in terms of orculation, mass grading, densty distribution of land uses, accessiblity, utilites, drainage. publuc safety and wisurl quatity

> Additional intormaton on
building heights, setbacks and common area open space require ments, typicaliy approved withor the framework of a Flanned Unt Development Overlay District, will be provuicu for withun the framework of the Parent Teriaave

### 8.3 Concept Pian

Following or concurrently with the approval of the Parent Tentative for each phase, individual builders may request a preapplication conference with the City to rutiate specific development proposals. The Planning Ditector may wave Concept Revew. Metting if it is $c^{c}$ :termined that the applicarts proposa! would be unaflected by such a meeting. The Concept Plar Revew is a lormal meeting to revimw proposed plars with City department 1 epresentatives to exchange views on profect charactenstics of metual concern before detailed ste tentative mapring begins The menng will also serve as

$$
9 \therefore 042903717
$$



## $9<042900717$

a torum for questons clanfyng the review process. Submutal nateral in preparatonn for the Concept Plan Revier shall madude:

1 The appiticant shall prepare a site antalysis drawing indicating the following exasting topography, exishing vegetation and maturn] areas; Adporing uses and buildiros, roadways, approved access pounts, and designated $p^{\text {edestrian connection points }}$
2. The applicant should prepare a prelıminary concept sketch plan indicating the following: general ste carculation; typucal building envelopes, anticapated range of dersity/intensity: general distributhon of built areas and iandscaped areas; general visual characier; and typical lot size.
3. The applicnin stall also complete a Concept Plan Review Applicabon form and provide ownershep and tutle information

### 8.4 Tentatlue Atha Submittal

The tentative map is prepared for resiaential propects. The tentabue map is rewowed for compliance with the Parent Tentatuve Map and the Master Development Plan. The applicabien ss also forwarded to other agenoes (as identified by Title 18) for comnent. After review and com. ment by all partiopants, the Planning Director plovides a writen aralysis/
report to the Commission and Council recommending approval. derual or conditional approwal of the application. The Tentative Map submittal stall include

1 Cortents of Tentative Map Submittal Requirements
The tentative map shall be drawn apona stinut or sheets measuning 24 by 36 mehes and shall show at last the following
a. Title of the proposed subdivision
b. Names and adiresses of the owreer, suboivider, and surveyor or engineer who prepared the man
c. Namtes of abutting subdivisions
d. Vicnity map
e. Locatuon of subdivimpn giving suffict legal description to describe boundaries lor the proposed tract
f. For the surrounding arem within 300 feet of the exterior coundartes of the proposed subdivision:

- Existing streets, nghl-ofway witins, pavement widths, direction of dranage and street names; and...

$$
9 \therefore 042400717
$$

Covelopment Standards for the Green Valley Ranch Master Development Plan Oyenfay Distnct

- Existing dramage channeis
g. A map indicating plans for the development of the entre area, it the proposed plotis a portion of a larger holding intended tor subsequent development.
a Lotlines
i. Approximate dimensions of lots

1. Street right-of-way width, approxmate grade and name
k. Other rights-oi-way widths, approsimate grade and name
2. Topograpty obtained by actual survey to be detailed at one-foot contours, kased on City datum. Topography to include an area 300 feet whe surrounding proposed subdivision, except where topography has been taken on existing subdivsions
m. Proposed and exsting storm drains, proposed lot dranage
n. Locaton and size of existing available public sanitary pewers; locabon of propused sewes, showing cirection of flow, \%inde, and cotmated
amount of sewage
contriouted by propasis subdivision
o. Location and size of existing and proposed water mans. and for a subdivision to be supplied by wells, the location, pressure. capacty ind patantial manulathn
capable of being served by the wells as covered by state certficate

P All existing structures and other physical features that would influence the layout and design of the subdivision
q. Proposed stes to be ded.cated or used for parks, playgrounds, schools, or othe public or irstututinal uses
$r$ Date, north point, and scale. (The scale of the map must be large enough to show all details clearly The map must have a sulficient number of sheets to accomplish this end.)
s. Approximate radifi of all curves

1. Exch sheet et the map must indicate its particular number, the total number of sheets in the map, and its relation to each adjoinung sheet

## $9 \therefore 042900717$

u Landiscape and Imgation Plars ©Commercal. Industitai, Nulti-family and Planned Residenhal Unts)

* Scale as on the site plan
- Exishng trees identifed. to be retained or removed
- General indicabon of proposed plant miteterials: speoes, szes, quantities on the site, including a plant list
- Conceptual layout plans indicang location of iandscaped areas

2. Resubmittal of the Tentanve Map After Revisions
in the event the Ptanang Commssion approval is contirgent upon certan revisions, changes or amendments, a suffioent number of new prints of the map (as determned by the City) incorporating the required revisions, changes or amendments, shall be submitted to the Development Services Depariment before the tentative map will be forwarded to the City Council for further action.
3. Time Limtit for Action on Tentative Map
a The tme limit for acting and reporting on a tentative or final map nay be extended
by nintual consest of the subdivider and the City Council or Planrung Commisuion, as the cose may be:
b. If no action is taken withon the hme limits set forth in NRS Ch. 278.010 to 278.630 , inclusive, a tentative map as filed shall be deepted to be approved, and the City clerk shell certify the map as approved

### 8.5 Final Map

Based on the City Council approval of the tentative map, the Planrung Director shall speatif the necessary revisions for the completion of the final map when all such requirements have been satisfied and all submittal requrements have been met, the final map is forwarded for actuon by the Council. The submuttal requirements for tie find map shali inrlude:

1 Final Map Submittal Reguirements

After the final map of a subdivision hes been approved by the City Council, prior to the start of construction of any off-site improvernents, the following matenala shall te supplied to the office of the City Enguleet for approval

$$
9<04 \therefore 903717
$$

Devalopment Stancards for the Green Vallay Ranch Master Development Pler Uveriay District


## 94042900717

measures, including structural sectron of streets iCEK or other acceptable method) it required Recommendahons in the report, as approved by the Cily Engineer, shall be incorporated in the hnal grading plan.
3. Finat Submiscion of the Final Map:

On receming atil requred materals, the Engrneenng Department shall, within 45 days unless this tre period is extended by mutual agzeement. review and return all check pnots and other material that needs changes and/or clanification. It shall then be returned to the subdivider's engineer for final corrections and the foltowing shall be resubritited in final form to the Enginecring Department.
a. Corrected fina map (original)
b. Corrected streat pla.st and profiles (original)

- Corrected sewer plars and profiles (onginat)
d. Corrected ariginal street light plat signed by the power comprifiy
e. Correted original water plan and profile
f. Corrected onginal drainage plan
f. Subdivisior agreemert
h. Bond or other approved security for oft-site improvements

4. Irspection fee
f. Any other special provisions requested by the City Council must also be saticfied at this time
5. Approval by City Engineer

When all the items listed in subsections 1 , 2 , and 3 have been provided in a form acceptable to the City Engineer. the City Engineer siall, within 10 days of City Counal acton, sign at approprote documents and release the fral map to the subdivider's engmeer for recordation.

5 Certificates and Acknowledgments to Appear on Fimal Miap:

The certifeates and acknowledgments requíred by NRS 273.374 to 278.378, inclusive, shatl appear on a final map and may be combined, where appropriate
6. Requirement for Submission of Firal Map on Foppy Disk
Fror to recordation, the suhdivider's engineer shall submit floppy disk com wiler medium contanning the final map in a format compatible and

## $95042 y 00717$

trancterable into the City's Geographic Informaticn System

### 8.6 Architectural Review

Architectural review and approval is the responsibility of the City as described in Title 19 of the
Code The Development Standards,
Design Gurdelines and the master
Coverants. Cod x \& Restrictons are filed with the City

### 8.7 Deviations to the Dovelopment Standards

Deviations which are munor and effect ondy speafic lols or structures may be permitted by administrative approval Devations which will be considered include, the following: setbacks on imegular lots, setbacks on lots on a curve, and buildung heights. The requirements for obtairung deviation shall be as follows:

1 Written notificaton and a copy of the deviation to the Master Developer:
2. Infomal conference with the Planning Director;
3. Sabmittal of three (3) copies of the dimensioned site plan and clevations (as applicable) to the Henderson Planning Department. Reastmable additional information ot copies may be requested by the Director,
4. 4 cubztithai ui wnten requesi and fee consistent with current City fee schedule

The Plannung Director shail adraustratively approve the applica. ton, or approve with conditons. The applicant shall have the following options.
1 Withdraw the applicatom;
2 Medify the request to conform with the conditions.

3 Appeal the decasion of the Flanruing Director in writing to the Plannuag Commission within ten (10) working days after receiving the Drector's wnitten explanaton of such deasion. Additionally, a final appedi can be referred to the City Courcil by ether the applicant or Planning Director for firal decision witiun thirty (30) working days.
Upun approwal, a Certhicate of deviation shall be sssued to the requesting party It will state the name and address of owner, legal cescriptions of the property, and a reasonably detailed desciption of the devalion granted. The certificate will be signed by the Platrung Director and shall hecome a part of the Green Valley Ranch Development Sundards.

$$
9404 \therefore 900717
$$

| 9.0 Development Āgreements | 9.1 Water Service Contract <br> Refer to $A_{\text {r }}$-pendix III, Green Valley Ranch Mas 'er Dovelopment Flan Overlay Distnct, Henderson, Nevada. July 1993, (Page A 111) |
| :---: | :---: |

# 94042900717 

Development Stuiular ois tor the Gieen Valley Ranch Master Development Pian Overlay Distinct

10.0 Appendix<br>10.1 Clty of Henderson, Multi-Family and Entitiviny Lot Ordinance.



[^8]

$$
94042900717
$$
WATEK CONSFPVATION STANDARDS
GREEN VALLEY
HENDERSON, NEVADA
TABLE OF CONTENTS
1.0 LNTRODUCTION ..... page
1.1 Overvew ..... 11.7 Purpose
1.3 Legal Standing ..... 1
14 Applicabity
15 Definutions1
2.0 REVIEW AND APPROVAL PROCESS
$\pm 1$ Plan Revesw ..... 3
3.2 Submitals ..... 3
2.3 Admastration ..... 4
(Exhibits A,B,C) ..... 6
3.0 WATER USE STANDARD
31 General ..... 9
32 Wazer Use Sundards ..... 9
3.3 Common Areas and Armentiet ..... 10
4.0 DESIGN STANDARDS
41 General ..... 11
4.2 Landscape Desıgn Standards ..... II
43 Irriganon Saniaras ..... 13
44 Maintenance Requirements ..... 13
5.9 PLANT MATERIALS LIST
51 Geremal ..... 15
5.2 Plant Materals/Irngacon Demand List ..... 15
6.0 SAMPLE DESIGNS AND CALCULATIONS 6. 1 General ..... 20
6. 2 Sauple Designs and Calcuianons ..... 20

## $94042 y 00717$ <br> 1.0 INTRODUCTION

### 1.1 OVERVIEW

A. GREEN VALLEY Green Valley is a master pianned communty of 8,400 actes. whth approximately 5,000 acres currently developed or under constructoon The Master Developer, ANC, Inc, has long been a leader in communty development and is commented to providing a high quality, family- orentec, responsibie environment for living af Green Valley As a means to ensure this contunued excellence and the mantenance of property values, Lhese Water Conservatuon Standards have been estabushed

## I. 7 PURPOSE

A. VISUAL ENVIRONMENT The purpose of these Water Conservation Stancards is *O conserve wairer and to ensure a sense of visual co-tnunty withn Green Valley Such contunuty helps to preserve land values over ume, to provide a visuaily appealing living envronment. to encourage creanvity withen a confrolled framework. to ensure econome vability through proper plaming and design controls, and to encourage an atmosphere conducive to posinve social nteraction among residents. These Standards are for the benefit of all and should not sofle other magnanve deas witho a realistac framework.

B WATER CONSERVATTON The Master Developer is commuted to the conservauna of water witun the regron. The Master Developer recognizes that only a limited amount of warer 15 avalable for Green Valley and is determned to ensure that it is used wisely, begnnung with the planning of the remaning portoons of Green Valley, and with on-going uses of water withon the communty

## 1. 3 LEGAL STANDTNG

A RELATIONSHIP TO OTHER LAWS: These Water Conservanon Siandaris are not intended to overnde, contradiet, or subrogate the Ciry of Henderson Water Allocanon Ordinance approved as of September 24, 1991, nor any water use or conservatoon requtrements set forth in the Nevada Revistd Statures These Standerds are intended to supplement the City of Henderson's mmamum requirements by makang outdoor water use requrements within Green Valley slighty vore stringent.
B LEGAL STANDING OF THE STANDARDS. As part of the restrative covenants tnto whin they are incorporated, these Water Conservaton Standards consurute legal restrictons tegulatug the planning and manntenance of water for outdoor use purposes ar Green Valley and are enforceable in courts of law in accordancc with the terms of hose restoctive covenants. These Standards are suoject to the interpretanon by the Green Vailey Warer Use Review Committee. The Committee may amend or augment these Standards to meet specific stit, temporal, or functootal requrements of property in Green Valley, consistent with the basic objecaves of the Conamuee.

### 1.4 APPLICABILITY

A. WATER: These Standarcis apply only to potable, tap or annking water supplied by the Ciry of Eenderson. They co not apply to the use of reclammed or gray water.

B PERSONS AND PROTECTS These Standards apply to all individual Ovners, Residents, Developers, Bulders or Purchasers of tand affected by the Declaranon.

$$
94042400717
$$

### 1.5 DEFINITIONS

A. Assocrancon "asesemon" shall refer to any Homeowncr Assoctation (or sumular encty) within Green Valley
B Assnciation Property "Associaton Properv" stall mean all real and personal property owned by or leased to the Association, inctuding without inmitaton the Streets (unless and unui ransferred to a pubbec agency or authonty pursuant to the Dectaration) together with common areas as may be designated on final subdivision maps as recorded and filed by the Developer or Buider.
C Builders. "Builders" shali mean developers of parcels, ndividual homebuilders, and tract homebuiders.
D Commutree "Committee" shall mean Green Valley Water Use Rewew Commutee or its assignee as established pirsuaitit to che Declaracon
E. Declaration "Declaraton" shall mean any Declaraton of Covenants, Condurons 3ndi Restrctions of record relatave to any pcrion of the Property, into which these Standards are incorporared by reference, as the same may be amended from ame to trae.
F Developer "Deveioper" shall mean a developer/bulder of an ndividual parcel other tinan the Master Developer and home buiders.
G Eardscape Any non-organic material coverng the ground, including concrete. rock, asphalt, but excluding structures.
H. Landscape: Genenc term used to denote the design of a sute or Lot uncluding plant matenals, hardscape. pools. fountanns, ete.
I. Lots "Loss" shall mean all resciencai subdiviston lots depicted on subdivision or parcel maps tiled and recorded for an area of the Property by a developer or home buider
I Masce Develuper AivC, Line, a Nevada ceipuranon.
K Oumer. "Owner" shall mean any person or enaty which holds ode in fee sumpre to all or any interest in a Iot
L. Etogenty "Property" shall mean all properiy affected by the Declaration
M. Public Area. The area between the "fromt facing sties" of the burlding or residence and the street.
N. Reclamed Warer Non-potable water which is suppled from the Ciry's sewer treatuent plant as secondary treared water, for use only un landscape irigaton of common areas, puuiic places and golf courses.
O. Resident "Resident" shall mean any person who is poysically residing in a dwelling consmucted on any Lot so long as sad person is so restiong
P Water Potable, drinkang or tap water supplied by the City of Henderson.

## 94042900717

### 2.0 REVIEW AND APPROVAL PROCFSS

## 2. 1 PLAN REVIEW

A. PLANJ REOUTRING REVIFW All site development plans, including landscape add miganon plans, calculanons and specificanons for new residentai and nonresidentual development (and any and all amendraents to the foregoing), whll requre review and approval by the Commitee Requarments for other reviews arthin undividual homeowners associanons do not negate the need for approval of landscape planmung documents by the Committee, pnor to consrucnon.

Addinonaly whenever signuficant changes, alteranons, modificanons on re design to an exisareg landscape, formerly approved by the Commotte, are made or contemplated, a revew and approval by the Committee is required. This shall occur If a swiwmeng pool (or signtifant feuntoun or het wh) is added, if water usage is tncreased more than 20,000 gallons annually, or the changes cause the use of water over the amount alloted by these Standards.

B PLAN REQUIREMENTS All plans, specificanons and calculanons for landscape development shall be submited in accordance wish the tume limicatons set forth betow All pians and specifcations shall be prepared by licensed or otherwise qualified land planners, architects, landscape archutecrs, professional engmeers, or other approved desygetrs.
C APP ICATTONRESPONSETTME: After proper submssion of all sard plans and documents in accordance with the prowisions herem, the Committee's approval or disapproval of said pians and documents shall be given $י$ whang to the applicant wthun a -essonable gme, not to exceed thrity (30) days for each complete subruatal
D PLAN SUBMITTAL PROCEDURES. Two copies of pians and other documents as described below chall be delivered whth a completed applicanon form as set forth in Exhibit " $A$ " to "

The Green Vailev Water Use Revew Commottee
c/o Amenican Nevada Corporaton
2501 N Green Valley Parkway, Sute 101
FIenderson, Nevada 89014
(702) 458-9355
E. STANDARDS OF REVTEW The Comm ree shall review the design of each submission for commitoment to and adherence to the Standords. The Conmitte will evaluate landscape design, its impact on water consumplan and its compliance with the Standards nerein. More specific requirements and recommendatons are detailed throughout thes document.

### 2.2 SUBMITTALS

A. INITIAL SUBMITTALS For each individua lot, residence, common area, amen'ty area, parcel entry, model home, non-residentiai projects, two (2) coples of the following sinall be submated to the Committee for revew.

## $9404 \div 900717$

- Applicaton and Ceruficanon of Compliance (Exiubit "A")
- Landscape Plan
- Imganon Plan
- Plantung and irnganor Jpecfficanons
- Calculatons of Water Consumpron (Exhiors " B " and " C ")

B PLANS All plans shail be drawn to an appropnate scale with the foilowing uformatien clearly mdicated on all drawngs submutted

- Project dame
- Sheet Title
- Scale and North arrow
- Developed By Name of Company
- Prepared By Enncy that preparea due planıs)
- Ovier
- Telephone Number
- Date the drawings were compieted and/ur modified

The followng shall be shown on the Landscape Plan hardscape, footrent of strucures. walls, plant materials. plant matemals list, poois, founains, and genernl elevations. Impanoon Plans shall indicase hardscape, foopnnt of structures, walls, urnganon head locanons, umgamon plpe or ine location, water fiow rates per each valve cricuit, all valves and pnncipal point of supply - both plan vew and decails
C RE-SLBMITTAL If the Commantree does net approve of the Sutintal, the appiscant shail make whatever currecuons are deemed necessary to be in compliance with these Standards, and resubmir the corrected matenai as desurbed in Paragraph A above. The Commitree shall deny approvai of palns which do rot comply with the Standards. The Applicant may resubmit as meny aroes as oesired to achievc
approval.

D FEES. The Commuree shail have the nght to require payment of reasonable fees for review of the Submutal.

### 2.3 ADMINISTRATION

A. FROSECUTTION OF WORK AFTER APPRQVAL After approval of subuntal ty the Commutte, the constuction, alteratron or other work descnbed therem shall be commenced and completed in accordance with the rules set forth in this Declawiuun. The Commatree or its appointed representanve has the ngat to enter the lot and to inspect the project for compliance wtin the Standards at any reasonable tume upon writenor oral nouce to the Owner without fear of respass and habuluty The Committee is responsible and liable for any damage to the lot or premises as a result of is inspecion.
B. VIOLATIONS. Construction deemed by the Commitee to be un viclation of approved drawings and of the Standards stiall be correcred as requested by the Coromitec withen fourteen days of written nonce to the Owner of such viclation. Failure to correct such unapproved or unauthonzed consrucroon within the fourreen day tomeframe automatucally gves the Commuttee, and its authorized agents, the unrestricted nght to enter the premises or inspect the undvidual lot and take appropnate and reasonable accoon as necessary to remedy hie volanon. Tie cost of such abatement or removal shall be a bundng obliganos on the Owner of the project.

## 94042900717

The Commartee shall aiso have the nght to trang surt for comple ice agansr the violator
The Commotee has the authonty to estabish a uuform schedule of fines for unfracuons of the Scandarcs. When estabished, these saail be available for revew in the office of the Master Developer.
C. RECORDATION OF NOTICE: Upon approval of final submatal, the Committee shall, upoa written requess from the applicable Owner, provide such Owner with a sme:ment of approval in a form apmeppriate for recordanon. The Commuttee also has the nght to recori a nonce of non-approval or revocateng of approval if necessary
D RULE MAKING ALTHORITY: The Commutee adopts these Standards tor the purpose of miempreang, applynng, supplemenang and mplementing the provisions of the Declaration. A copy of these Suandards as from ume to tume adopred, amended or repealed, ceraned by a Representanve of the Committee, shall be manseaned in che office of Amencin Nevada Corporanon and shail be availabie for inspecton durng normal business hours by any deveioper, Owner or prospectuve Owner, or any architect or agent of any such Owner or Prospecuve Owner It shal be the responsibility of any Owner or prospectuve Owner, or landscape archutect or agent of any such Owner or prospective Owner to inform themseives as to any and all such changes of these standaras
E LIABILITY OF COMMITTEE REFRESENTATTVES Nether the COmmitue nor any Representanve cherecf sinail be hable to any Owner or any other person for any damage, loss or prejufice suffered or clasmed on account of the revew of any plans, specificanons or matenals. The revew and delivery of a form of approvai or disapproval 15 not to be considered an opimon as to whether or not the plans are defectet or whether the consturnon methods or performance of the work proposed tnerem is defecuve, or whether the facts therein are correct or meet the City of Hencerson Bulding Codes.
F PROEESSTONAL ADVICE. The Commitee may employ the services of an architect, attomey, lano planner, landscape architect or engineer to render professional advice and may charge the cost for services of such a professional to he Owner applicant, but only after he Owner has been informed in advance chat such compensanon shall be so charged.
G AMENDMENT. These Standards may be amended by the affirmanve vote of a simple majonty of the Commuttee.
H. PREVALENCE OF DECLARATION: In the event of any conflict berween the provisions of these Standaras "nd the Declaraton, the Declarazon shall prevai'

1. MISCELLANEOUS: Al nems submutted shall become the property of the Comrantes. Changes to approved plans shail be re-submutted to the Commutre for approval.

# $\begin{array}{lllllllllll}9 & 4 & 0 & 4 & 2 & 9 & 0 & 0 & 7 & 1 & 7\end{array}$ <br> EXHRBIT "A" <br> GREEN Valley <br> WATER USE COMPLLANCE APPLICATION 

TO. GREPTV VALISY WATER USE PEVIEW COMMUTTEE clo American Nevada Corporation 2501 Noitu Green Valley Parkway Henderson, Nevada 89014 (702) 458-8855

PROTECT NAMEALOCATON OTLOT OR PARCLE $\qquad$

FROM
PARCEL $\qquad$

## Applecant's Name

Applicants Address
Telephone Number D-— Date

LANDSCAPE ARCHTEECT $\qquad$
LANDSCAPE CONTRACTOR $\qquad$
EMERGENCY TELEPHONE NUMBER $\qquad$
A.s owner of the real property located in Green Valley at the aforenamed address, the undersıgned person or entry certifies that the followng landscape water-use allocatons will be met by the Iandscape and mgaton plans and specificaions stubmitted to the Green Valley Water Use Review Comrantee for the above referenced project sute.
The proposed pianang and zrigation plans comply with the Green Valley Landscape Water-Use Allocanons as outined herein:

> Galions Per Year
A. Project Water Allocaron:

B Estmated Outdoor Water Use.

Ownerts) Name:
(pant or rype)
Owner(i) Signature: $\qquad$


## 94042900717 <br> Exhibit "B"

LANDSCAPE WATER USE ANALYSIS FORM Green Valley Water Conservanon Standards
nate: $\qquad$
Project Name/Parcel Locanon: $\qquad$
Zone Classificatoon (See Parapgrapt 3.2C)_—_ ——_
Owner(s) Name.
Address:
A. Maximum allowable yearly landsape water aliccanon.
(Refer to Paragraph 3.2 C )


B Total area of project ste:
Less $\qquad$
Footpint area of scucture(s)
Total area of paved surfaces:

) sq. ft
$=$ Total Landscape Area
___ sq fr.
C Landscape program and water-use calculatous
Landscape Type
Annual Gallons Used
1 Pool(s) water-strface area: $\qquad$ s.f. $\times 65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / / \mathrm{yr}=$

2 Fountan(s) watici-surace area $\qquad$ s.f. $\times 6.5 \mathrm{gal} / \mathrm{s} \mathrm{f} . \mathrm{f} / \mathrm{yr}=$

3 Total water volume of pool(s): $\qquad$ cu.ft. $748=$
———
4 Total water volume of fountan(s): $\qquad$ cu.ft. $748=$ $\qquad$
5 Total turf area. $\qquad$ s.f. $65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yr}=$

6 Toual annual flower bed area: $\qquad$ s.f.x $65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yT}=$


7 Tora perennial flower bed area. $\qquad$ s.f.x $65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yr}=$
8. Tetal vegetable gardien area: $\qquad$ s.f. $\mathrm{x} 65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yr}=$


9 Plant materals (from calculations on Exhbin " C "):

$\qquad$
D Total lindscape water use:
(the sum total of all program items in 'C', 1-9, above) (compars to amount in patagraph A above)
E Projected Landscape Ravo (gallons of water per square foot)

## 94042900717 <br> EXHIBIT "C"

PLANT MATERIALS WATER USE CALCULATION FORM Green Valley Ware: Conservanon Standards

| Plon Motenal | Quanny | Wnuallmganon Toval Annual |
| :--- | :---: | :---: |
| (Example) Pine. | 5 |  |


$\qquad$
$\qquad$


TOTAL

* In gallons. See Paragraph 5.2 Piant Matrials/Ingaton Demand List


## 94042403717

### 3.0 WATER USE STANDARDS

### 3.1 GENERAL

A. RURPOSE. The purpose of tus section is to estaohsh a quanafiable limt, allocaton and/or standard for outioor water use within the Green Valley new 20 mmanity. The Master Developer recognizes thar the supply of warer for Green Valey is limuted and it is commuted to estrblishung a far and judicious framework for the wise use of water.
B. WATER AELOCATION ORDNANCE. The Ciry of Henderson adopted a Water Allocanon Oromance in September 1901 This ordinance descrikes quanriobie lames to the use of water withn the Ciry, by zoning classficanon (see Exhibit "B" of the Ordinance) The City has also recognized that even "sucter" Lemts will probably be requred in the funce and has urged ats cazens to voluntaniy begin reducing their use of water by at least ten percent ( $10 \%$ ). These Water Conservanon Standards are not untended to confiict with the City's Water Allocation Ordmance. They are intended to requre more sungent wate conservaton.

C STATE LAW Ths Nevada state law mandates the use of water conserving equipment in new commercial and resudential developmens whin the stave. This applies to all constacnon in Gretn Vailey

D CHANGES TO THE STANDARDS The Water Use Standards set fortin in thes sectuon were developed after cureful resenth and using the bc 'y of knowledge and public policies an place as of March, 1992. The Green Vailey Water Use Review Committee will penodically revew curtent and avatlabie cata, and the Master Developer and the Committee reserve the right to modify these Standards, based upon such review

### 3.2 WATER USE STANDARDS

A. BDOOR USE vS. OUTDOOR USE: Using histoncal datn from the Las Vegas Valley Water District, Green Valley, and other Cines which on ontor thew waier use closely, the followng relanionshp beween water for indoor use and outdoor use are hereby unccrporated:

|  | Indoor Use | Ourdoor Use |
| :--- | :---: | :---: |
| Single Family Residennal | $40 \%$ | $60 \%$ |
| Multi-Family Residental | $45 \%$ | $55 \%$ |
| Commercial | $50 \%$ | $50 \%$ |

The ourdoor use pertentage is used to calculate the maxamum allowable use of water for landscaping purposes (including swimming pools and fountans). These numbers have alre idy been factored into the Annuai Allowable Landscape Water Use column in the table in paragraph 32 C Water Use Standards.

B CONSERVATION The Marter Developer is commutted to the iong term growth and connnuing vitality of Henderson and of Green Vailey. It hereby adopts the ten percent ( $10 \%$ ) water use conservazon of the City, as mandatory within (reen Valley.

## 94042900717

C. WATER USE STANDARDS. The followng table reflects the allowable water use quannees monn Green Valley. For ail new Green Valley development (post May l. i991), the standards in this table replace the standards outlined in Exhion "E" of Headerson's Water Allocarion Ordinance.

| Zones | TOTAL ANNUAL ALLOWABLE WATER USE |  | ANTACALALLOWABLE LANDSCAPE WATER USE |  |
| :---: | :---: | :---: | :---: | :---: |
|  | $A F$ | Gallons | $A F$ | Gallons |
| Sungie Family Residenual Alaster Plan | 77/hot | 250,900/1ot | 46 ¢ílor | 149,900/ lot |
| RS-6 | .74/lot | 241,100/lot | 44/iot | 143,400/lot |
| RS-1 Through RS-4 | 1.13/lot | 368,200/10 | 69/10t | 224,300/lot |
| Muln-Famuly Residentai Master Flan | 47/unut | 153,100/unt | .36/unut | 84,700/unnt |
| RM-16 And Less | 63/unt | 205,300/unit | .35/unit | 114,000/undt |
| RM-18 And Greater | 41/umr | 133,600\%unat | 23funlu | 74,900/Lait |
| Hotel/Morel | .23/roorn | 74,900/room | 12/room | 39,100\%room |
| $\begin{aligned} & \text { Commerial Below } \\ & 500,000 \mathrm{Sq} \text { Ft. } \\ & \text { (Floor Area) } \end{aligned}$ | 23/1,000 SF | 74,900/1,000SF | $.12 / 1,000 \mathrm{SE}$ | 39,100/1,000SF |
| $\begin{aligned} & \text { Commercial Above } \\ & 500,000 \mathrm{Sa} \text { Fb. } \\ & \text { (Floor Area) } \end{aligned}$ | 10/1,000SF | 32,600/4,000SF | 05/1,000SF | 16,300/1,000SF |
| Turs (Amenties) | 6.3/acre | 2.05 militos/acre | 6.3/acte | 2.05 mullion/acte |
| Induscrial |  | Case By Case |  |  |

$A F=$ Acre Feet (One Acre Foot $=325,800$ gallonc)

### 3.3 CALCULATION OF WATER FOR COMIMON $/$ REAS AND AMENTTIES

A. COMMON AREAS AND AMENTTES Comnon Areas and Ameniaes whthir a development parcel intiude such thangs us smeetscapes, entries, parks, swimming pools, fountains and orher landscaping rearments or elements which require water. The allocanon of water for these common creas and anenities is separate from the aliocanon for residential, commerctal or indusual uses. Allocanon for common areas and atermues is governed by the zoning category "Turf"

## 94042900717 <br> 4.0 DESIGN STANDARDS

### 4.1 GENERAL

A. PURPOSE. These Design Standards are put forth to help ensure that durng tninat landscape installanon and for major changes to individuat landscapes thereafier, that prudent and proven measures tor water conservation in the landsiape are inplemented by the Developer, Owner or Home builder.
B. INCORPORATION INTO PLANS AND SPECIEICATISNS The pro nsions of these Design Standards are fiereby incorporated into the plat $s$ and specificanons for each Lot or developuent parcel.
C. DESIGN These Design Standards are mostly concerned w.a methods for conserving the use of water as applied to the landscape Taey ar not miended to sufle landscape destgn creatunty winhen Green Valley, nor to esiabish theme or specific design intent Each viltge, neyghbortood and commercial/unstuntonal area within Green Yalley will have is own set of site development and landscape gudetines dealing with design issues Landscape dessgrers, however, will always be fared whh the need to balance the judictous ase of water with the need to present a "green" and nviteng landscape. This is especially imporant in tne Puficic Areus
D PUBLIC AREA: The area between the "front facing sid s" of the building or residence and the streer" estabishies the image of the overall nelgbborhocd and/or commercial area. This sreescape area is more than just crone yards, it is the visual environment of the neigniborhood, the image of the communicy To ensure conmuty of this unage withn a village or area, eich lot or development parcel must conmbute its part in creaning the socal picture.

For Green Valley, this means that the Public Area must be perceived mostly as "green", as an oasis in the cesert. Because the Public Area is usually small, the requrement for the, area to be "green" is not necessarily in contict whth the adea of conserving water, as is demonstated in the sample plans in Section 60 Thes. for the Fulide Area, there are some minnmum mendatory requirements for landscaping.

### 4.2 LANDSCAPE DESIGN STAIIDARDS

A PUBLICAREA: This is the area berween the "front facing sides" of the residence or buiding and the street. The design of this area shall emphasize a "green" landscape. A mixture of turf, rces, ground cover and/or plant masses is reyured. Not more than forty percent ( $40 \%$ ) of this area can be developed as hardscape (including dnveways and parking areas).

## 94042900717

Additionally each residental let 6,000 square feet or less shall have a manmum of three trees planted in the Public Area. Lots over 6,000 square feet in area shall have one additional tree in the Public Area per 1,000 square feet of lot size For multufamuly projects, there shall be two tees per unat planted in the common areas of the project For commercial and instutional projects, the minumum standard shall be one ree per twenty-five foot of curb frontage.

B SAFFTY. Plant monenal muse te so lecared as to ensure cafe traffic spht tines and visibility of signage, around driveways, entres and comers/intersections. In addiuon, there can be no hazards to pedestrans or raffic created by plant litter.
C ZONTNG. The placement of plant materials will be divided unto separate warer use aress, or zones, accordeng to therr water requyements. Ptants with similar water requirements shall be grouped together in the same arez Thas will help to conserve imgaton water

D PLAMTMASSING Plant marcrials, espectally shrubs and ground covers sball be massed or grouped together to create green areas staring sroular water requirements. The grouping of plant matenals helps to create muctimates fav rable to conserving soil mosture and permits proper irmgation zoning for water needs.
E. TIJREAREAS Turf areas shall not be so narow as to allow miganon water overthrow, thereby insunng maximunt efficiency of the inganon system. Turf areas will be limited to thirty percent of the total landscape area in commercial develepn.ents.

F SEIECTON OF PLANT MATERIAL: A Lst of acceptabte ptan: materals and therr water requirements is provided in the next section. The use of plant materials and ourf vancues having low water requiremens is haghly encourged
G. SOR AMENDMENTS Before installation of plant marenals or turfir the top sxx to eighe inches of the soil shall recerve a soil amenoment to heIp conserve water in the soil. These amendments shall be either $100 \%$ organc, arnificial amendments specifically desigred to hold moisure in the soin, oi a mixime of tie two. Thuy shall be thoroughly uncorporated into the soil by diskang or alleng.
H Mlichers. To help hoid water in the soil next to plant roots, all newly planted trees, shubs, ground covers and vines shall be beavily mulchee whth a layer of two to four nebes of mulch (six inche if rock $7^{\prime \prime}$ or more m size is used). Organic mulch such as wood chps, pole petings or bark is allowed. Rock and gravel may also be used, however, these muleh matenals rave the remperante around plants causing them to require more water nd often cousing leaf surn.

The use of geo-cexile fabnes ("filter fabrics") under mulches is highly recommended to help control weed growth and reduce wind exposure of the soll, and thas to help preserve water in the scil. It is not, however, a subsntute for topical mulches.
I. GRADES. Turi areas shall not exceed a 41 slope and should have a minnmum $2 \%$ slope for proper dramage. Shrubbery and groundcover areas shall not exceed a 2.1 slope and shall have a merimum of $2 \%$ slope.
J. FOOLS Swn ming poo's are permitted Owners are encouraged to mmmaze the size of pools and employ pool covers. For calculation of water use, see Sector. 60.$]$

## 94042902717

K FOUNTAINS. Fountans are permuttei. Owneas are encoureged to (i) mimolze the size of fountans and their pools; (2) provide hagh wind shut off controls to conserve water, and (3) locare the pools in places sheltered from wind and sun [For caicuianon ot warer use, see Secron o. U. 1 .

### 4.3 IRRIGATION DESIGN STANDARDS

A. TUREAREAS Turf areas shall be trogated uolizng 4 pop-up spray heads for all areas thurty feet wide or less. Spray heads shall be spaced at $50 \%$ of maximum spray diameter (i.e. heads should spray from head to head). Nozzles shall te selected to munumze overspray onto hardscape and plantug bed areas.
For turf areas that are wider than chinty feet, unilze gear dinven totors witit low angle nozzles. Roters shail be spaced at $50 \%$ of maximum spray diameter and adjusted to minumze overspray onto hardscape and planung bed areas.
B PLANTING BEDAREAS In planting bed areas consisnng of plant materals one gallon in size or larger. dap or point source umganon shall be uolized. If the plant matenal is smater than one gallon, $12^{\prime \prime}$ pop-ups winh mero-jer nozzles shall be
unazed
C. ANNUALL BEDS. Annual fower oeds shali be ingated utiluang 12 "pop-up spray heads with momero-jer nozzles
D IRRIGATION COATROLLER The imganon system shall be automancally controlled urilizang a soldd state controlle: capable of a manmux of two separate ungation programs, to separate high water use area from low ones.
E. ZONING: Each valve or zone shali conrol oue planang type with sumular expusure to sun and or shade Example turf areas on south facing exposure shall be zoned separately trom turt areas on the north side of a biliding. Annuals shail be on ther own separate zones.

### 4.4 MAINTENANCE REQUIREMENTS

A. GEiverAL. As part of an overall program for mantanng the visual envronment and for ensung that water conserving rechmques reman funcoonal, each Owner shall perionm regular madrienance procedures. A weii mantatrert lanascape ano umgazor system ensures that plarts are in good condicon and heips conserve water
B LANDSCAPE MAINTENANCE Each Orner shall perform regular landscape mauntenance items on at least an annual basis. Thus includes pruying, ferriluzng, mowing, weedng, cautous use of pest controls, replacement of mulch lost through natural degradanca or wnu, and rakng and cleanng of plant liter
C. IRRIGATION MAINTENANCE. Each Owner cf residenaal and non-residental property shall perform mantenance items described heren on a regular basis. As a minumurr, the Owner inust perform the followng mantenance pracices.

- repair or replace damaged uriganon equpmens,
- operate and visually check all zones of the system on a monthly scheduie to eneure all conrol valves and heads are operanng properly, aind that no leaks are nisibe,


## 94042900717

- inm grass around hetds as necessary to ensure proper operacon of heads;
* adjust water scheaule throughour watenng season to compensate for tluctuations in weather condinons;
- checis all plantung beds for any visible signs of plant water stress; $1 \mathbf{y}$ siressed plants are located, adyust and reparr imgarion sysrew as necessary; check all filters on dnp valve assembles as necessary (every 30 days mannum) and clean our or backflush fitter as requred to clean out debns.


## 94042900717

### 5.0 PLANT MATERLALS LIST

### 3.1 GENERAL

A. PLANT MATERIALS LIST The list below contrans the genus of plant maientils whec are allowed for use withun Green Valley. This list may be modified and/or expanded from ume to tme, by the Water Use Commetree. The list contans plant matenals known to grow in the Iifaderson area and which can arually withstand the extremes of cimate, soil condinons and winc expenenced un this area
B. WATER REOUTREMENTS The plant materals list below also liss both general water requirement category of the plants and more spertic water requirements Thicre ts a anerai word caregory of low, medum and/on high water needs of the plants. These ciassfictions are relanve only to the piant category wati whin they fall
There is aiso a more specific iesctiptoon of water requirements by "Esumated Galions Annual Ingation Demand" - this is unganon water requred per plans, per year For vegetable gardens. perennal and annual flower beds, and tarf areass, the urngation requrement is "Estumated Galicons Annual Incgation Demano Per Square Foot" These numbers can be compared berween plant categones.
These numbers are average water consumpton numbers prepared by ACL a water management conpany based in San Diego. Califonna and Denver, Cotorado
Factors wheh were taken into consideration in the derivation of these esumated gallons of use notiude:

- plant species
- planang densiry (micnclimate)
- evaporanspuanoat taies in Fiencerson
- assumes manure planis

These numbers mav change from tme to tome as the Cormintee reviews current data.
C. QUALITY All trees will be nursery grown, free of disease of good habit and represennong the best qualnoes of their species. Healthy trees will help ensure proper
water consurnpoon.

D INSTALLATION. Developcis, Contractors and Owners must install planr matenals in a manner generally acceptabie to the horriculcural practices of the area and in a tmanner when will maxumze chances of survivai. Instailatuon must melude the use of soil amerdments, mulches, an imgancion system and the other Standards descnoed in
the prevous Secnon 4 .

## 5.- Plant materlals/irrigation demand list

A. LIST The following list is intended to show the intaganon cemand of plants that are rost likely to be used withen Green Valley. Thus is not a bist of recommended plant materiais for Green Valley nor does it consutute an endorsement for any spectific
piant material.

|  | 940429 | 00717 |  |
| :---: | :---: | :---: | :---: |
| Genur Name | Common Name | Generय Water Bequrement Caregon | Estumated Gallons Annuat Imganon Demand |
| Large Trees |  |  |  |
| Eucalypras | Eucalyprus or Gum | Low | 486 |
| Giedicia | Huney Loczst | Low | 607 |
| Olea | Pollenless Olive | Low | 405 |
| Pistarkia | Pistache | Low | 607 |
| Duercas | Oak | Low | 405 |
| Rhus | Sumac | Low | 607 |
| Rotima | Black Lorust | tow | 486 |
| Framinus | Ash | Mred | 1012 |
| Platanus | London Plane Tree | Med | 1214 |
| Populus | Cottonwood | Med | 1214 |
| Ulmus | Elm | Med | 1012 |
| Small Trees |  |  |  |
| Acaca | Acacta | Low | 405 |
| Albiza | Mimosa | Low | 405 |
| Arbums | Strawbery Tree | Low | 607 |
| Brachycaton | Botule Tree | Low | 405 |
| Cedirus | Cedar | Low | 405 |
| Ceratona | Carob | Low | 405 |
| Cercidium | Mexican Palo Verde | Low | 324 |
| Chilopris | Blue Palo Verde | Low | 486 |
| Cupressocypans | Leyland Cypress | Low | 405 |
| Cupressus | Italian Cypress | Low | 324 |
| Enobotrya | Loquar | Low | 647 |
| Eucalyptus | Eucalyptus or Gum | Low | 486 |
| Lagersiroemia | Crepe Mymle | Low | 405 |
| Lucaena | Leadball Tree | Low | 403 |
| Parlonsonia | Mesquite | Low | 324 |
| Pinus | Pine | Low | 405 |
| Pithecellobum | Texas Ebony | Low | 486 |
| Prosopis | Mesquite | Low | 324 |
| Punica | Pomegranate | Low | 486 |
| Vitex | Monk's Pepper | Low | 647 |
| Magnolia | Magnotia | Med | 971 |
| Kocireutena | Goidenran Tres | Med | 809 |
| Malus | Howening Crabapple | Med | 809 |
| Prunus | Chery or Plum | Med | 809 |
| Pyrus | Pear | Med | 809 |
| Sapium | Chinese Tallow | Med | 971 |
| Palms |  |  |  |
| Brahea | Miexican Blue Pains | Low | 486 |
| Chamaerups | Medirarnen Fan Palm | 0 Med | 809 |
| Phoenux | Date Palm | Med | 850 |


| Genus Name |  |  |  |
| :---: | :---: | :---: | :---: |
|  | Common Name | General Water Reoumenent Categorv | Esthmated Gollons Anmatilnggaton Demand |
| Palms (con't) |  |  |  |
| Buaz | Pindo Palm | Med | 80 |
| Cycas | Sago Palm | Med | 809 |
| Trachycarpus | Windmill Palm | Meo | 728 |
| Washungrorua | Fan Paln | Nued | 971 |
| Shrubs |  |  |  |
| Baccharts | Coyote Bush | Low | 81 |
| Berberis | Batberry | Low | 121 |
| Buxus | Boxwood | Low | 121 |
| Calligtmom | Rotlehresh | Low | !21 |
| Cassa | Cassia | Low | 121 |
| Convol-ux | Bush Moning Glory | Low | 81 |
| Comotinaster | Texas Olve | Low | 81 |
| Erceila | Brimle Bust | I Ow | 121 |
| Haploppes | Tuptedune Dush | Low | 81 |
| Juniperus | Junper | Low | 81 |
| Larra | Creosote Bush | Low | 81 |
| Leuceptyilum | Texas Ranger | Low | 121 |
| Myrtus | Myrde | Low | 121 |
| Phormum | Flax | Low | 81 |
| Pyracantha | Pyracantha | Low | 121 |
| Rhammus | Buckthom | Low | 121 |
| Rhus | Sugar Bush | Low | 81 |
| Sophera | Texas Mt. Laure: | Low | 121 |
| Vauquelina | Rosewood | Low | 121 |
| Abelia | Abelia | Med | 243 |
| Euonymus | Eucrymus | Med | 202 |
| Hypencum | Aaron's Beara | Miei | 102 |
| Llex | Holly | Med | 202 |
| Ligustum | Fruet | Med | 243 |
| Nandina | Heavenly Barnboo | Med | 202 |
| Photuna | Fraser's Photeria | Med | 243 |
| Pruosporum | Prosporum | Med | 202 |
| Platycladus | Thuja | Med | 243 |
| Pudocatpos | Yew Fine | Med | 202 |
| Prunus | Sirub Cherry | Med | 202 |
| Rapholepıs | Indian Hawthom | Mied | 202 |
| Vibernum | Yibumum | Med | 202 |
| Xylosma | Xylosma | Med | 162 |
| Fatsia | Japanese Aralia | Ifigh | 283 |
| Ground Cover Plants |  |  |  |
| Dalea | Indigo | Low | 129 |
| Gataria | Gazana | Low | 121 |
| Lantara | Bush Lantana | Low | 121 |



## 94042900717

Name
Cul Flomers arit Gardens

| Bulbs | Med | 48 |
| :--- | :--- | :--- |
| Anoual Flower Bed | High | 65 |
| Cut Flower Garden | High | 65 |
| Rose | High | 65 |
| Vegetable Garden | High | 65 |
| Perennal Flower Bed | High | 65 |
| Turf |  |  |
| Bermuda Dominant |  | 49 |
| Bluegrass Dommant | Med | 65 |
| Fescue Dominant | High | 65 |

## 94042900717

### 6.0 SAMPLE DESIGNS AND CALCULATIONS

### 6.1 GENERAL

A GENERAL Thas secnon contains sample drawings and related water use calculanons using the condinons of these Standards. The examples are drawn from real and exisang residenal products and lor sizes withun Green Valley
B EXAMPLES There are three examples of landscape design and accompanying water use calculatons. Ail three are single family teinde tat examples, because it is antucspated that thos will be the major development product for much of Green Valley

Example "A" is a 5,488 square foot lot with tradimonal landscaping and comes in well below the allowable water use.

Example "B" is a 6,717 scuare foot lot with vanous landscape types. $\mathrm{It}_{\mathrm{t}}$, too, comes in well belcow the allowable limut.

Example "BB" is the same as "B" except that a swimming pool has becti added Thus lifustrates the mpact of a swmming pooi on water use.
C. UNUSUAL CONDTTONS The Master Developer recogruzes that it is impossible to anncipate all condrions, for every ste. The Master Developer acknowiedges that there may be unusual site conditions which when combined with these Standards produces creates some design difficulty The Commotee has the power to make encepeons to these Standaras for puusual condinons However, the Owner must have a strong case, in the minds of the Commanee Representataves, for exceprions to be granted for a less than sansfactory product, and the Commutee has the sole power to judge what 15 deemed acceptable and sansfactory

### 6.7 SAMPLE DESIGN AND CALCULATIONS

(See Exarmples on the followng pages)

## EXAMPLE "A" <br> 94042900717



RECORDER'S MEMO
POSSIBLE FUOK FECORE DUE TO QUALITY OF ORIGINAL DOCUMENT

## 

## LANDSCAPE WATER USE ANALYSIS FORM

Green Valley Water Conservation Standards

Zone Classification (See Perapgraph 3.20) $\mathbb{C R}$

Address: 1234 Valley View Dive Hevelersoun Navar son id
A. Maximum allowable yearly landscape water allocation: (Refer to Paragraph 3.2C)
B. Total area of project site: ictus
Footprint area of structure (s)
Total area of paved surfaces:
=Total Landscape Area:
C. Landscape program and water-use calculations:

Landscape Type

2. Fountains) water-surface areal $N / A$ sf. ₹ 65 gal./s.f./yr. $=$
3. Total water volume ti pool es): $N / A$
4. Total water volume of founain(s): $1 / A$ cuft.x $748=$
5. Total turf area. $1, O 1$ ह sf. $65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yr}=$
6. Total annual flower bed area: 96 s.f.x $65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yr} .=$
7. Total perennial flower bed areas $1 / / 4$. s.f.x 65 gal./s.f./yr. $=$

8 Toul vegetable garden area: $1 / / \Delta$ s.f.x 65 gal./5.f./yr. $=$
9. Plant materials (from calculations on Exhibit "C"):
D. Total landscape water use: (the sum total of all program items in' ${ }^{\prime} \mathrm{C}, 1-9$ above) (compare so amount in paragraphia A above)
E. Projected Landscape Ratio (gallons of water per square fest)
$A_{i} d C_{2} g a d y=$

(2042) sq. ft (ques ) sq. ft 3.046 sq fl .

Annual Gallons Used

- = = - -
- 

$-6-$
一o-
cos, 15
6,176
$-0=$
$-\infty-$
20190
$02+3+0$
30.3

## 

PLANT MATERALS WATER USE CALCULATION FORM Green Valley Warer Conservation Standards


[^9]


## 

LANDSCAPE WATER USE ANALYSIS FORM
Green Valley Water Conservation Standards

A. Maximum allowable yearly landscape water allocation: (Refer to Paragraph 3.2C)
B. Total area of project site:

Footprint area of structures)
Total area of paved surfaces:
=Total I andscape Area: .
C. Landscape program and water-use calculations

## Landscape Type

1. Pool (s) water-surface area: $N / / 4$ sf. 65 gal/s.f./yr $=$
2. Fountains) water-surface area! 20 s. C . $\times 65 \mathrm{gaL} / \mathrm{s} . \mathrm{C} / \mathrm{yr}=$
3. Total water volume of pool (s): $N / / A$

4 Total water volume of foumsin(s): 46 cuff. $\boldsymbol{x}^{7}$ 48
5. Total whf ara: 450 sf. $\times 65 \mathrm{gal} / \mathrm{s.f} / \mathrm{yr}=$
6. T ital annual flower bed ate: 126 s. $5 \times \mathrm{x} 55 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yr}=$

7 Total perennial lower bed area: N//A. s.f.x 65 gal./s.f./yr. $=$
8. Total vegetable garden area: $\mathrm{T} \boldsymbol{0}$ s. $\mathrm{f} \times 65 \mathrm{gal} / \mathrm{s} \mathrm{C} / \mathrm{yr}=$
9. Plant materials (from calculations on Exhibit " C "):
D. Total landscape water use:
(the sum total of all program items in ${ }^{\circ} \mathrm{C}, \mathrm{j}-9$, above) (compare to amount in paragraph $\Lambda$ above)
E. Projected Landscape Ratio (gallons of water per square foot)
$143,4 \infty 0 \mathrm{gal} \mathrm{yr}$

( $2 \mathrm{ad2}$ ) sq. ft (1, 1,36$) \mathrm{sq} \mathrm{ft}$
3.039 . $54 . \mathrm{ft}$.

## Annual Gallons Used

$\frac{-0-}{\frac{-960}{1,9-}} \frac{-0-}{23,31}$
$\frac{27,250}{8,90}$
$\frac{-0-}{32,600}$
$\frac{26,145}{100,312}$

PLANT MATERIALS WATER USE CALCULATION FORM
Green Valley Water Conservation Standards


## 

## LANDSCAPE WATER USE ANALYSIS FORM

Green Valley Water Conservation Standards

Project Name:Parcel Location:


Owners) Name: Solus Res
Address: pad Desert Shaves Drive, Henderson, Vanda enol
A. Maximum allowable yearly landscape water allocation: (Refer to Paragraph 320)
B. Total area of project site:

Lest
Footprint area of structures)
Total area of paved surfaces:
$=$ Total Landscape Aver:
C. Landscape program and water-use calcuithio e:

## Landscape Type

1. Pool (s) water-surface area:
$30 Q$ s.f.x $65 \mathrm{gaL} / \mathrm{s} . \mathrm{f} / \mathrm{yr}=$
2. Fountains) water-stuface area: $H / \beta / \beta$ s.f. $\times 65 \mathrm{gal} / \mathrm{s} .[$./yr. $=$

3 Total water volume of pool (s): 1588 cu $\mathrm{cti} \times 7.48=$
4. Total water volume of fountains): $N / A$ cu. ft. $x 7.48=$
5. Total turf area: 250 s.f.x 65 gal./s.f./yr. $=$
6. Total annual flower bed area: 110 s.f. $\mathrm{x} .65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{/yr} . \Rightarrow$
7. Total perennial sower bed area: $N / A$, s. $\mathrm{I} \times 65 \mathrm{gal} / \mathrm{s} . \mathrm{f} / \mathrm{yt}=$

9. Plant materials (Iron calculations on Exhibit "C"):
D. Total landscape water use:
(the sum total of all program items in ' $C, 1-9$, above) (compare to amount in paragraph $A$ above)
E. Projected Landscaיve Ratio (gallons of water per square foot)
$143400 \mathrm{gal} / \mathrm{yr}$
6,417. sq. If
(10.0de ) sq. ft. (p ,pe) sq. ft 2983 sq. ft.

Anneal Gallons Used

$\qquad$

# 940 EXAMP気边B"17 <br> EXIIDIT "C" 

## plant materials water use calculation form Green Yalley Wate r rouservation Standards



- In gallons. See Paragrapli 5.2 Plant Matertaly/frigation Demard Lst


adirbit :



# MINUTES QF THE MEETING OF THE <br> ASSETMBLY COMAMITTEE ON JUDICIARY 

Severtyr-Fifth Session
MJarch 6, 2009

The Committee on Judiclary was called to order by Chairman Bernle Anderson at B:12 a-m. on Friday, March 6. 2009, in Raom 3738 of the Legistative Suilding, 407 South Carsan Street, Carson City, Nevada. The meeling vas videaconferenced to Room 4401 of the Grant Sawyer State Offiee Building. 555 East Washington Avente, Las Vegas, Nevada. Coples of the minutes, Including the Agencla (Eyhibic A), the Attendance Roster (Eyliblt 日), and other substantive exhloits, are available and on file in the Research Library of the Legislative Counsel Burau and on the Nevada Leglsiature's website at whum.leg.state.nv.u5/75thzoog/eammittees/. In addition, copies of the audio record nay be purchased thraugh the Legislalive Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-6日4-6835),

## COMMMITEE MEMBERS PRESENT:

Assemblyman Aerrie Anderson, Chalrman
Assemblyman Tick Segerjom, Vice Chalr
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblywnman Marlizn Dondero Loop
Assemblyman Don Gustavson
Assemblymen John Hambrick
Assemblyman Willian C. Horne
Assemblymen Ruben J. Kihuen
Assemblyman Mark A. Manenda
Assemblyman Hary Mortenson
Assemblymin James Ohrensciall
Assemblywaman Bonnie Parnell

## COMMMITEE MEMEERS ABSENT:

Ascemblyman Richard McArthur (excused)


## Assembly Committee en Juciclary <br> March G, 2009 <br> Page 33

60 days following a formelosure sale. Nit. Sassar made reference to section 6 oŕ A.B. 789 , whlely is the notlee to quit after a formelosure sale. He said that ine fld nat really care about that section, as it was a result of the enthusiasm on the part of the Leglslative Counsel Burean. I would suggest that section 6 needs to foll ofit of the bill.

Clöirman Anderson:
Sa, the bankers would ille us to remove section 6 as helng umecessary. Have you prepared an amendment?

## 日il] Lfffelman:

I could prepare one very quidkly، Mr. Anderson (Exhibit S).
Chatrman Andersort
Did youraise these concerns with the primary sponsor of the bill?

I have spolen with lir. Sesser, who was acting as er representive of the sponser of A.B. 7 日g.

## Chairman Anderson:

Thank yous sir. Does anybody hove any amendments linat reed to be placed inta the record? Ns. Rosalle N. Escobedo has subritted tostimony, and that Will be entered into the recard $\langle E$ niblt D. We will close the hearing on A.B. 189.
[A three-minute recess uas called.]
I voill open the hearing on Assembly Glll 204 .
Assembly Bill 204: Revises provisjans retating to the priarity of certain liens against units in earnman-interest communites. (BDR 70-92D)

Assemblywaman Ellen Spiegel, Claric County Assembly Distriet 21:
Thank you for having me and for hearing this bill. As a disclosure, 1 serve on the Board of the Green Valley Ranch Community Assaciatlon. This bill will not antect me or my asscriation any more than it vould any otiner assaciation in this state. My participation on the board gave me flrsthand lnsight into this issue. That is what led me to introduce this legislation. I am here today to present A.B. 20A, which can help stablize Nevarta's real estate mariet, preserve Eommunities, and help protect our largest assees: aur homes. Whather you live in a common-Internst community or notat whether you lille common-lnterest cornminities or hate theim, whether you live in an urban area or a rural area, the

## Assembly Commitiee on Judiciary Nâarch 6, 2009 <br> Раgョ34.

outcome of this bill will have a direct impant on you and your constituents. Justas a summary, A,B. 204 extends tioe existing superpilarly fram six mortits to two years. There are in fircal notes on chls, in a nutshell, thls bill males it possible for common-intorest communities to collect dues that are in artears for up to turo years at the lime of foreclosure. This is necessary now because foreclosures are now taking up to tha years. At the time the arlginal law inas written, they were taking ahout sls months. Sa, as the time frames moved on, the need has moved up.

Since everyone who buys fito a common-interest communty deany Understands that there are dues, commurity budgets have historlanly been Lased upon the assumplion that nearly all of the regular assessments will be collacted. Corimunites are now facing severe hardships, and many are unable to meet their contractual obligations because of all of the dues that are in arrears. Some other commurities are reducing sorvices, and ther simultaryeously increasing their financlal llabillites. They and their nameowners need cur help.

I recognize that there are some concerns with this bill, and you will hear bout those later this morring directly fram those with concerns, Iheve been having discusslons with several of the cancernand parties, and I belleve that we will be able to urorf something out to address many of their concerns. In the meantime, I waula like to make sure that you have a clear understanding of this bill and what we are tryling to achlewe.

The objectlyes are, first and foremost, to help homeowners, banks, and investras maintaln their property values; heip comman-fnterest communites miltigate the adverse effects of the mortgage/forectosure crisis; hetp hamミENners avald spectal assessments resuling fram revenue shortfails due to rellow commbity members wha did not pay requred rees; and, prevent cost-shifting from common-lnterest communties to lanel gavernments,

This bill is vital because aur constituents are hurting. Our current ecanamic conditions are bleak, and wo must take action to address our staters orlical needs. I do not need to tell you lijat things are noe good, hut I will. If you laok, I have provided you with a map that shows the State of Nevada andid by county, how fracclosures are gang (Exhbit U). Clark, Washae, and Nye Countles ere ertremely hard hit, wifh an average of 1 in every 63 housing unlts in foreclasure. Paople whase hames are being formolased on afe nat paying thair association dues, and all of the fest of the nefoftors are lacing the efiects of that. Clark County ls being hil the hardest, and wer will fouk at what is golng on in Clarlf Colinty in a litele bit more depth just as an emample.

## Assembly Committee on Judiciary

March 6, 2009
Page 35
In Clark Caunty, between the second half of 2007 and the second half af 200B, property values teclined in all zip codes, eycept for orne really tiny one, which Increased by 3 percent. Overall, everyvihere else In Clark County, property values declined significanty. The smallest decline was 13 percent, and hiat wyas in my zip code. The largest decline twas 64 percent Could you imagine losing 64 percent of the equity oi yols home ln one year? Proparty values have plummeteri, and this sindmole that we are getting into is helng antected bacause there is increased inventory of housing stocls an tho market that is due to poreclosures, abandoned homes, and the economic recesslan. Feaple cannot afrard their homes; they are leaving, they are not maintaining them. is is flooding the markel; and that is depressing prices. You somatimes have consumers who want to buy homes, but they cannot gat mortgages. That keeps homes on the market. There Is increased melghborhood bligitr and there is a decreased ability ior communiles to provide obligated senvices. For example, if you have a gated community that has a swimming poal in It (or a rongated community, for that matter), and your association cannot afford to maintain the pool, and someane Is coming in and looling at a property in that community, they vull sy, "Let me get this straight: you want me to buy into this comamurity because it has a pool, except the pool is closed because you cannot afford to maintaln the pooli sory, I am not buying here." That. Just keeps things on the market and keeps the prifes going down, because they are nat providing the services; therefore, how do you sell something when you are not delivering?

Unformmately, we are heering fin the naves that helg ls not on the way for most Nevadans. We have the highest percentage of underwater mortgace holders in the ratlon. Twenty-eight percent of all Nevadane owa moie than 125 percent of thelr home's value, Nearly an percent of the homeowners in the Las Vegas Valley fave negative equity in their homes, This is really scary. Unforbmately, President Barack Obama's Homeowner Affordability and Stabillty Plan restricts finaning aid to barrowers whose first mortgage does not exteed 105 percent of the currant market values of thelr homes. There are also provisions that they be coverad by Famie Mae or Freddie Mac. Twerty-might percent owe moie than 725 percent, end cannot gel hefp from the rederal government. And for 60 percent of homeoviners, the help is just not there, 50, we need to ofe daing something.

What does thils mean to the rest of the people who are struggling to hold onto thelr homes in common-mterest communities? Their quality of lire is being decreaserf because there afe fewer servlces providad by the assacjations. There is increased vandalism and other crime. As 1 mentloned earlier, titere is a potential for increased reguler and special assessmants to make up for revenue

## Assembly Conimititer an Judiciary

March 6, 2009
Page 36
shortfalls, and then therg is the association liabllty exposure. Let me explain that.

If you have a community that has a poal, and you were selling ft as a community with a pad, and all of a sudten you camot provide the pool, the people who are living there and paying their dues have a legal expectation that they are liung in a poal community, and they can sue Eheir community association because the association is mat providing the services that the homeawners bought into. That: could then calle the communties to further destabline as they have financial exposure vulth the possibillty of lawsuits because they are not providing services since the dues are not pald.

That all leads to increased instability for communtles and further declines in property values. I went to see for myselt. What does this really mean? What are we tallsing about? Through a frome in my assaciathon who generously helped send out some surveys, we recelved responses to this survey from 75 common-interest community managers. Fifty-flue as them ware In Clark County, 20 of them were in Wastioe County. Thelr answers represented over 77,000 doors in Nevada, That is oyer 77,000 househafds, and they ail told me the same thing. First ar all, not one person mas opposed to the bill. They gave me same corments that were very enllghtening. They are all having problems collecting money; they all do not want to raise thelr dues; they do not want to have spacial assessmenks; they are chiting beck; they are scared,

I warit to share some comments with you and enter them into the record. Here is the ifrsc one: "Bollars not collected diractly impaer future assessment rates to compensate for tho foss of prolected lneome. Ater, there is less operating cash to Fund resarves or maintein the common aree." That represented 2,007 homes in Las Vegas. Armother ong: "Cur cash reserves are sevarely underlunded and we have jerious landscaping needs." This is 129 homes in Reno that are affected, This one just really scared me: "lncrease in bad debt esperne over $\$ 100,000$ per year has frustrated the majority of the owners who are now having to pay for those who are not paying, inciucing the lencers who have Foreclosed." That is from the Red Rock Country Club HOA, over 7,700 homes in Las Vegas, This last one: "The Impact is that tive HOA is cutting all servlees that are not mandated: water, trash, and other utilities. The Impact is that ditue dealers are moving into the complex, and homidifes are on the rise, and the place foolts horible. Spacial assessments will not work, Those that are paylng will stop paylng if they are increased. The current owners are so angry that they are footing the bill for the deadoent investors that they no longer have any pride or care for thelr units. I support thls bill 100 percent. The assessments are an obligation and should not be reduced." That is from sameone who manages sevaral properties in Las Vegas,

# Assembly Committer on Judiclary 

March 6, 2009
Page 37
I mentioned an additional mpact, and that I really belleve that thls bill wrill offect everybody in the state, even thase who do not live in common-fiterast communitles, Let me explali that, There could be cost shifing to focal government. I gave you a couple ar examples in the handat: grafitl remaval, code enforcement, inspections, wse of public pans and parks, and security patrals. Let me use grafiti as an example.

Wy HOA contracts viith a firm to come but and take care of our graffiti problem. We do this, and we pay for thls. Chark County also has a giaffic service for homeawners in Clark Caunty. There are about $4,00 \mathrm{D}$ homes in our communlcy, anci our homeahners are told, "If you see gramiti, here is the number you call. It is the management company. Tipey send out American Gramital who is the provider we H5e, and they have the gramb cleaned up." If an associabion file mine all of a sudden says, Well. you know, we do nol inve the money to pay our bills and did other things. We could cut out the grantit compeny and ver could Just say to our homedwners: 'You know what, the number has changed.' So insteari of calling the management company, you now call Clark County. There is a cost shift. There ls a limited number of resources available in Clarls County, and that will have to be spread even thinner.

It goes on loto other things too. You have the pools that are closed, The peaple are now gaing to send their kids ta the publlc poals, again, taking up more or the county resourees and spreatling it out thinner and thinner. There are community assoclatlons that are now, beceuse of their cash flow froblems, having to pay inelr ventors lete. Many of their vendors are small focal businasses. They are belng severely fropacted hecause the reduced cash fow is havinga riple effect on tineir ablifty to employ people.

## Ghairman Anderson:

Let lus go back to the grafitl removal question. I undarsiena the use of poals and perks. Are you under the impression that the HDA and common-fnterest communley would allow the city to go and to that?

## Assemblywaman Spiegel:

It la my apinion, and from what i heve heard from praperty managers, especially Lhat big lomg quote that I reaci, linat people are rutting back on everything and anything that they deem as nonessential.

## Chairman Ancierson:

That ls not the question. The question deals specifically with graffiti removal and sectity. Patrols by the pollce aficers are ustally nat acceptoble in gated cammunties and ather common-interest communitles. This wolld be a rather

## Assembly Committee on Judiciary

March 6,2009
Page 38
dramate charge, and it would protuably change tho city's view of their relationship vilth, or thelf tolerance af, sorre cammon-interest cosmutnities.

Assemblywoman Sptegei:
Wr. Chalrian, one thing I can tell you is that my communlty, Green Valley Ranch, last year had our own private securlty compary who would patrol our severd milles or vallfing trails and paths, Vile inave sfriee externalized our costs and now the city of Henderson is patrolling those at night instead of our private service.

## Chantman Anderson:

So, for your comman-interest cammunlty, you have moved the burden over to the carpayers and tha clty as a whole.

Assemblynoman Spiegel:
Yes, but our homeowners ale alsa texpeyers of the elty.
Chairman Andersan:
Of course, they choose to live in such a gated complen.
Assemblymoman Spieqel;
It is not gated. Parts or the community are, and some parts are not. Dverall. the master association is not a gated arpa.

Chairman Amelerson:
You ailow the public to wralli on those same paths?
Assembiyuvaman Spiagel:
Yes. They are apen to all clty residents, and non-city resldents,
Chairnian Anderson:
Okay. Are there any questions for Ms. Spiegel on the bill?

## Assemblyman Segerblam:

Is it your esperience that the lender will pay the association fees when the property is in default, or will they fat it go to lien end then the association fees zere pald when the property is sold?

Assemblywornan Spiegel:
My experjence has been thet, in many instances the fees are just not belng paid, The lenders are not paying the sees. There may be some exceptions, but as a general role they are mat.

## Assembly Camrnittee on Judiclary <br> March 6, 2009



## Atan Crandall Senlor Vice Presitent, Community Association Bank, Botjpelf, Washington:

We have approximately 25,000 cammunties frere in the Smate of Nevade, |am honored to spealt today. I am a resichnt of Washington state. The area I want to specialize In my discussion is with loans for caplal repair. We are the nation's leading provider of financing oí commbnity assaciatlons to malke capital repairs such as roafs, deeles, siding, retaining walls, and large items that the communities, for health and safety lesues, have ta mahtaln. Today, In Nevada, We are seeing essachatans with 25 to 35 percent delinquancy rate. We are Unable to malse leans for these communltes because we tie these fons to the cash fiow of the assoclatan. If there is no cash flow coming in to suppart thelr operatlons, we cannot glue them a lann. We do loans anywhere from h50,000, and vee Just appraved one loday far $\$ 17$ milian, sa there are same cammunites out thare with some severe problems that need.asslstance.

Now you may ast, why do we tare about the loan? Tha Ioan is importart in theyt it empowers the boarcl to offar an option to the hameowners. Same of you may ive in a communlty, and some or you may have chiliren or parents who live in one. Because of a financial requirement for maintalning the property-the roof, the decks that may be caliapsing, or a setaining wall that may be falingthey have to efrecial as5ess baceuse they do not have the money in their reserves. It was umforeseen, or they have nat hat the thene to accumulate the money for wharever reason. These bans allow the association to provide the apelon to the homeowner to pay aver time because, in effect the baard barrows tife money tram the bank, which is typlcally set up as a line air eredit; they barovi the partinn that thay need for those members who do nat have the abinty to pay iump sum. Sa, whether that is $\$ 5,000, \$ 10,000, \$ 40,000$, or 550,000 , or my personal reeard which is 980,000 per unit, due in 60 days, it is a major finambial hardship on homeownars. The cyplcal assoclarlan, based upon my experience of 18 years in this Inchustry, is comprised of one-thfrd af first tlme home buyers who may have had to borrons money from mom and dad to make the down payment, and who have small children for whom they are paying off their credit cards for next Christmas, Anotier ane-tird is comprised of retirees on a tixed mame. Neither ore those two groups, which typically malee $u p$ tworthirds of an average commundty, are in a position to pay a large chunk of money in a very short period of time. The board cannot sign contracts in arder to do the urork unlass they are 700 percent sure they can pay for the work wher ft is done. That is where the loan assists.

1 urge your support of thrs bll. It will give us the abillty to have some cash howe and guarantees that there will be some extented cash flows in these dificult times, and malce it easier for those banks, ille ours, wha provide this special

## Assembly Committee on Judiciary

March E, 2009
Page 40
type of financing thet halps peapla lseap their hames, to continua to da so, Thank you.

## Bill DiBenedetto, Private Citizen, Las Vegas, Mevada;

I moved to Nevacia in 7975 when I was 11 years oldi. The first time I was heres was in 1982 as a delegate to Boys State. If you told me at thar tima that I would be testifying, I would have selic. Na way, you have got to knaw what you are talking abous. Well, I was up here at an Event honoring the veterans, and I saw this bll. I serva as the sacretary-treasurer of my HDA, Tuscany, in Henderson, Nevala, The reeson ! became a board member was I revolred against the developer's interasts in raising our dues. You see, we were faunded in 200t, and we are at 700 fomes put: of 2,000, vuthich manns we are under direct contral of ouf dectorant, Rhodes Homes. Whe are at their mercy if they want to give us a spacial assessmant or ralse aur dues. The reason 1 am here today ls lalso serve as secratary-treasurer. I am testifying as a homeavuner, not as a member of the board. As of last year, our accounts recelvahle were over
 GOO hameanners, 94 percent vuent to callections. Out of thase, there vere eight banks. When a bank takes over a hame, they turn off the water, the landscaping dies; our values go down. We need thace two years af back duas. Anything less, 1 believe, would $L=$ a bailout for the benks that took a risk, just
 that ve have, we heve to fund a 46.2 million reserve. Why? Because the developer continued to build a recreation center, greenuseys, and other
 We receive $9 D$-day notiter from our utillty companies. We can barely lsepp the lights and the water on, Our reserve furnd, by lawn is supposed to be funded, but we cannot because we have to pay the utillty bllis. I moved into that community because it vias unique: We have rallied the 700 hornes. We are not looking for a handout, but we are fooklng ior what is rioft. When the bank rook over the hames, they assumed the contracts that. were made: to pay the dues, the $\$ 145$ a month. I have banks that aie 15 months past due, 10 months past due, 12 manths past due. Thanls you for listening to me.

Assemblyman Segerblon:
In regards to the banks cuming these properties, at least under current lant, what: they ouve for six morths wauld be a super liten which you vould collect when the property 15 sole. Have you been able to collect on those super liens?

Bill DiBenedetto:
Yes, we have.

## Assembly Committee an Judfiary

Marcin 6, 2009
Page 41
Assemblyman Segerblom:
Is it your experjence that the banks never pay vilitout this super lien?
Bill DiAmenedetza:
The banks never pay untll the hame is sald.
Assemblyman Segerblom:
Now, they are just paying far anly six manths?
Bil DiBenedeto:
They are faying far sht months, and we are Iosing money that should be going into our reserve fund.

Chairman Andersont:
Does the bank not maintairl an insurance policy on the property as the halder of. lie initial deed do trust?

## Bill DlBenedetta:

I do mot inow. I wauld assume they would have to have same kind of fability Insurance with the property.

Assemblyman Colb:
When tha banks forecfase, do they not talse the pasition of the owher in terms of the covenants?

Bill Dillenedatto:
They da.
Assemblyman Cobb:
Do they have to start paying dyes?
Bill Dibenedetto:
They have to start paying dous, and they have to abide by the covenants, which Inchudes keeping their landscaping living.

## Assemblyntan Cobb;

Hour are they turning off the water and destroying the property?

## Bill DíBerredgtto:

They just shut off the vuater at the praperty.
Assernblyman Cobb:
Ant you do not do anything to try to force them to ablde by the covenants?

```
    Assembly Comulttee on Juriclary
```

March 6, 2009

Page 42

## Bill DiRenecerto:

There is nothing that ure can do, unless we whant to absorl legal costs by taking them to court. We cannar afford thet. We have callod them; we have begger them; there ls Just no response.

Assemblyman Cobb:
You cannat recover those legal costs if you da tale them to court?

## Bill DiBenedetto:

I have not pursued that any further with riy board of the attorneys. Thank you.

## Chairman Anderson:

Thark you, sir.
Míchael Trudell, Manager, Caughlin Rameh Homeowners Association, Rena, Nevada:
I have emalied a prepared statement to members of the Commiltee (Enchithit V). I do not want to belabor the point. There is a statutory abligation of HOAs to maintain their common areas and to mairtaln the reserve accounts for their HOAs. I also believe that there is a blrect lmpact on homenwners when there is only a sik month ability for the HOA to coliect because we have to be much more aggresslve in our collection proeess. If that time frame was to be increased, we vobuld be mare willing to work vuith homeaviners. Recently, our board at Ceughlin Ranch changed our collaction policy to be miveh more ageresslve and in start the lien process much more quitily than we nad in the past, which eventually leads to a foreclosure process. I think that has a clirect impact upon our homeawners.

## Cheirmen Anderson:

Mr. Truclell, you have been associated with thls as long as I can recall, and you have been appearing in front of the Judiclary Commitiee, In dealings with the banks, have there been these kinds of problems in the past with your properties and others that you have been with?

## Michael Trudell:

Yes, sif, Mr. Chairman, in the past, banks were mush more receptlve in warking wolth us to pay the assessmants and to get a realtor inuolved in the property to represent the property for sale,

## Chaírman Anderson:

Since tie HOA traditionally looks out to malre sure that everyone is dalng the right thing, when there is a vacant property there, you probahly become a ittle bil mare mindful oflt than you wauld in a normal tammunity, Do you thank that

## Assembly Conmittee on Juciriary <br> March Gi, 2009 <br> Page 43

this 15 tite phenomenon right now because of the current economic stituation? By ertending this tme perfod, are we going to be establishing an unusial
 olher wards, should it have originally been thls longer period ō time? Why should there be any limit to it act all

## Michagel Trudell:

From the association's standpolnt, no limilt would be better for the HOA, because each property is given its pra rata siare of the annusl budgec. When we are unable co collect thase assesements, then the burden Falls on the ather members of the HOA. As far as the current condflon, banks in many instances are nor talking possession of the property, so the property sits in limion. There is a foreclasiure, and then there is no property owner, at least in the situations that I have dealt with In Caughlin Rancit. We have had much fever incidences af Forectorure than mosthoas.

## Cinairman Anderson:

Thank you very much, Let us tum to the folks fin the south.
Lise Kim, representing the Nevara Association of Realtors, Las Vegas, Nevada: The Nevada Associetion of Realtors (NVAR) stands in support of A.B. 204. Property owners within common-interest community assaclations are suffering increases in assuriabion dues to cover unpatid assessments that are uncollectable because they are outside of the 6 -manth superpriarity lien perioct. Namy limes, these propery ouners are fanging on by a thread in malsirg their mortgage payment and association dues peyment, I talk to peaple everyday that are nearing defollt on their obligatans. By increasing the more-easlly collectabie assessments amount, the commonity assoclations are going to be able to keep costs town for the remaining residents. Thank you,

## Chairman Ancierson: <br> Thank you,

John Raclocha, Private Cilizen, Las Vegas, Nevade:
1 Eannat find anywhere In thls bill, or in NPRS Chapter 176 , where a Ferson, witu has an assessmant agalnst infor her, has the right to go to the management corapany and obtaln documenis to prove retalfatlon and selective enforcement thet wras used to finitiate an assessment. It they come by and accuse me oie havirlg four-inch weeds, andf my neht doar neighbor has weeds even taller, and they are dead, that is selective enforcement. I think something should be put inco chls bill winere $I$, as an individeal, have the right: to go to the management company and demand documentation, That way, when a case comes up, a person can he prepared. This should bex in the bill someplace.

Assembly Cannitter on Jutleiary
Merch G, 2009
Page 4-7

## Ghairman Ancierson:

We will fake a took and see if that is in anather section of the NRS. It may well be covered in some other spot, sir,

Join Radacha:
On setion 1, number 5,1 was wontering, could nat that be changed to "a llen For unpaid assessments or assessments is extingulshed unfess praceedings to enforce the lien or assossments instituted vilhin 3 years after the rull amount of the assessments decomes due"?

## Chairman Anderson:

The Use of the wards "and" and "or" are usually reeprved to the stan in the lepal divjsion. They malse sure the litrie wards do not have any unintended consequences. But, we will take your comments under suggestion.

Michael Buckity, Commissloner, Las Vegas, Commission for Common-Intorest Communities Commission, Real Estate Division, Deparmente of Busin=5s चnd Industry; Real Property Diulsion, State Ber of Neuada:
We are neutral on the policy, but we wanted to paint out that one of the requitements far Fannle Mas on condaminturnis ss that the superpriarlty not be more than sha monthe, Just for your education, the six month pridrity came from the Uniform Common-Interest Ownershlp Act back in 79日2. It was a novel iciea at the thme. If was met with same reslstance by fenders whe maje loans to homeowners to buy units, it vas gengrally accepted. We are pointing out that we would want to malce sure that this bull woultr not affect the abllity of homeotumers to be able to buy units because fenders did not think that our statutory scherme complled with Fannle Mae requlmants.

Wis second polnt is that there wras an amenciment to the Unlfarm Cormon-Interest Duvnership Act in 200日, it daes add ta the priarlty of the asmocialion's zast of collectlon and attormey's fees. We did think that this would be a good idea. There is same questlon now inthether the association can recover lis costs and attorney's fees as part of the slx-month priarity. We thinls this amendthent woufd allow thet and it would allow addtlonal monies to come to the pssoclation.

## Chairman Anderson:

Are there any questions far Mr. Bucldey wha warks in this area on a regular baslsir

Assemblyman Segerblom:
I wes not clear on what you were saying. Ars you saying that thls fave veuta be helpful for prowding attorney's fees to collect the periad aftor sis months?
Assembly Committee on Judiciary
Marctig, 2009
Page 45
Michael Bucidey:
What I am saying is that, valth the existing lew, there is a diefierence of opinion
withether the sidimonths priarity cafr include the assoclatan's easts. The
proposal that we sent to the sponsor and that was adopted by the zo00
unliornz commbsioners widuld clarify thet the assoclation can recover, as part or
the priarity, their cast's in attorney's fees. Rlght now, there is a pueston
vyhether they can or not.

Assemblyman Segerblom:
So, you are saylng we should put that amenciment in this bill?

## Michael Buckley;

Yes, str. This uras part dif a written letter provided by karen Dennlsom on bebelf暗 our section,

Chairman Anderson:
We will make sure it is entered into the recarc (Erhlbit W).
Assemblywoman Spiegel:
I have recelved the Holland \& Hart materlals on March 4, 2009 at 2:05 p.m. They were hand delivered to my office. I am happy to work with Mr, Buckley and Ms. Denrison on amendmente, especially writing out the eondominium
 pravisions.

David Stone, President, Nevada Assocjation Serviras, Las Vegas, Neuada:
All of my collection vark Is for community assoclations throughout the state, su I am extrenty pamilar vith thl issue. Last weels, 1 had die preasure of meeting with Assemblywoman Splegel in Carson Clty to dlseuss her bill and her concerns abalut the prolonged unpaid essessments (Exhible $久$ ).

## Chairman Andersan:

Sir, we have been callect to the floor by the Spaker, and 1 do mot want then to send the guards up to get us. I have your viriting, which will be submitted for the record. Is there anytifing you need to qulcidy gat into the record'?

## Davíd Stone:

The handout is a requlfement ior a collectlon policy, which I thinls would afrect and help minimlae the problem that Assemblyuroman Spiegel is having, i submitted a friendly amendment to cut daven on that. I see chat essacibilons with collection policies have lower delinquent essessment rates aver the projonged period, and I think that would be an aliective way to solve this problem. Thank you.

Assembly Cornmitter an Judiciary
Masch 6, 2009
Page 46
Chaiman Anderson:
Neither Robert's Rules of"Orter, nor Masun's Manual, witch is the dosument we use, recognizes anty kind of amendment as friendly. They are alvays an impediment. Thank you, slr, for your voriting. If there are any other writren documents that lave not yet been glven to the secratery, flease do so nour.

Whayne M. Pressel, Private Citizen, Minclent Nevada:
Myself and two witnesses vould ilke to speals agalnst A.B. 204, 1 realize that this may not be the opportunley to do so, i lust want to make sure that we are on the record that wa do have sorne opposition, and we would file to articulate that opposition at some later thme to the Judiclary Commftee.

## Chāman Andersont

There will probably mat be another hearifg on the bill, givan the restraints of the 720 -day sestinn. The nexr time we will see this bill is in th gets to a work sesslan, at which time there Is no public mestimony, I would suggest that yat put your camments in wilting, and we will Ieave the record open sa that you can have them submitted as surin. With that, we are adforined.
[hMeetirg adjourned at 17:20a,m.]

RESPECTFLLLY SLUMITTEE:

Roignt Gonzalez
Cammittee Serretary

APPROVED BY:

Assemblyman Bernie Andersarn, Chalrman

DATE:

Assembly Committee on Judiclary
Narch G， 2009
Page 47

| EXHISITS <br> Gommittee Name：Commiltee on Judiciary |  |  |  |
| :---: | :---: | :---: | :---: |
|  |  |  |  |
| Date：March 6， 2009 Time of Ne |  |  | eeting： $8: 12 \mathrm{l}$ a，m |
| Eill | Erhibit | Witness／Agency | Description |
|  | A |  | Agenda |
|  | 8 |  | Altendiance Roster |
| $\frac{A . B .}{18}$ | C | $\begin{aligned} & \text { Jemilfer Chisel, Committee Policy } \\ & \text { Analyst } \end{aligned}$ | Federal Register，llst of explosive materlals |
| $\frac{\text { A．B．}}{207}$ | 0 | Assemblymü John C．Carpenter | Prepared testimany inhaducing A．B． 207. |
| A．B． | E | Assemblyman Carpenter | Suggested emendment to A．B． 207. |
| A．B． | ${ }^{5}$ | Robert Robey | $\begin{aligned} & \text { Suggested amendraent to } \\ & \text { A.B. } 207 \text {. } \end{aligned}$ |
|  | G | Assemblyman Josepl7 Hogan |  |
| $\frac{A . B .}{189}$ | ${ }^{\text {H }}$ | Assemblyman loseph Hogan | Chart comparing the variaus evictian pracesses Df varlous 5tates． |
| $\frac{A . B .}{1 B I}$ | 1 | Ȧsemblyman Joseph Hagen | Flow chart or the Calliomba eulction proness． |
| A．B．： | J | Jorl．Sasser | Prepared Lestimony 5upporthg A．B． 1 E9． |
| $\frac{\text { A．B．}}{\text { 189 }}$ | K | Rhea Gerlcten | Prepared testifnony supparting A．B． 789. |
| A.E. | L | James T．Endres | Suggested amendment to А． $\mathrm{B}, 7 \mathrm{Bg}$. |
| $\frac{\mathrm{AB} .}{789}$ | M | Charles＂Tony＂Chinnlei | Prepared testimony against A．B． 789 ． |
| $\frac{4.8}{189}$ | N | Jennifer Chandiler | Prepared testimony against A．B． 789. |
| A．E． | 0 | Jeriery E．Chandler | Prepared testimany agalnst R．S． 189. |
| A．B． | P | Kelle Fax | Prepared testimony opposing the change in section 2 of A，B，T日Q， |
| A． 18. | $\square$ | Sret Hatites | Prepered testimany against A．B． 189 ， |
| $\frac{4.35}{189}$ | R | Charles Klethen | Prepared testimony มagainst A．B．7日星． |

## Assembly Committee on Judiciary Subcommitae March 25, 2009 <br> Page 34

Nick Anthony, Committee Counsel:
His bill limfted the fees and the amount of interest that could be eollected. This bill limits the extra costs that may be incurned in collecting a sast-due abligation.

Assamblyvuoman Spiegel:
For example, if a common-interest communty assorlation charges a fine, it is not paid, and there is a eollaction pfort to go after the fine, in addicion to seefing to collect the penalty for the vidarlon, there would be interest and a callectlon fee. This amendment would ilmil the collection fee. Miy understanding is that Assemblyman Muntord's bill flmited what the penalty feself could be and the intarest rate.

This bill also encompasses regular assessments, what are callec HOA dues. They are tha generel assessments that are due perforilcally to malntialn the operating accounts and balances of the assoclations and to fund their reserve accounts,

## Chair Segerólom:

After the last haring on thls bill, there vere questions about whether your extenslon of the look-back for homeovners' assaciation (HOA) Ilens to turo Yeara would violate Federal Housing Administration (FHA) or Fannle Mae or Fradifle Mac regulations. Did you lools into that?

Assemblywoman Spiegel:
I believe the bill said to tiog extent it vars nat an lishe with federal lave. If that is not the case, I will put In another amendment if necessary.

Chair Segerblorn:
Mr. Ufiefman is ifere, so he will probahly give us some language on that.
Assemblyvorman Spiegel:
This is something that whll help freserve cammunities.
Chair Segerblom:
I think the intenti is fanterstic.

## Assemblyman Kihumen:

I vant to commend you for bifnging this bill. Some of these issues came up on the rirst bill, so lam glad to see this bill.

Chair Segerblom:
Is there anyone here in support

## Assembly Committee on Juciaiary Subcommitre

March 25, 2009
Page 35
Neera Lawalt, Ellor, Mlevada, representing Navada Assuciation Servines, frac, Las Vegas, Nevada!
David Stone, the presldant of Nevada Assotiation Services, and I have worked wilth Assemilatuonan Splegel, and we came up witha fiendiy amendment that: we proposeci in the orlginal hearing (Exthbit O), it puts in place a policy for collectlons for homeowners' associations. We believe that if homeowners' essoclations attually have pollifes in place, then perfiaps these collections ruould nor take beyond sld manths,

## Chair Segerbiom:

So you are adding a subsection (c)? Would that impact tive amendment submitted by Spaakar luckley? It seams bike it is a different iseue.

Assemblywroman Spleger:
Mc. lakalt's amendment requires comman-hterest communites to develop a collections polley and to provide that disclosure to the homedowners. By doing that, it males it more falr and transprent for everyone and offers additional consumer protection because the homeawhers lsnows what thelr obllgations are and they Understand the ramifications af their actlons. Conversely, it alsa inelps the associations by clearly deflineating in the pollcy the time frames of what vrould happen and when, which could acceleate the collectlan process and not: have as large of a fiscal limpact on the harnewners or the associations.

## Neena Laxalt:

We Just had a quick look at Speaker Bucidey's amendment, and I am sure that my cllent wauld have some concerns. Ne would be happy to speak with the Speaker about our concerns.

Chair Segerblam:
We will not be taking any action today on this am.
Michand Schulman, Las Vegas, Nevada, tepresenting various homeanners ${ }^{\text {r }}$ asemiations througfout Nevada:
I suppoft this bill because I think it is a gaod bill. Also the Assemblyworian sits on one of my boards in Hendersunt and this will be very beneficial. I have two comments. The amendrnent that has been offered by Spealcer Buchley may canillat or may need to be resalved with NRS 116, 31037 , which afready lirnits the collection cost in regard to innes.

Chair Segerblam:
The amendment deletes that section and replaces it.

Assembly Cammitiee on Judiciary Subcommitee
Warch 25, 2009
Page 3 든
Michael Schulman:
Disay.
I Ehink Michael Buclitey, the Chairman of Elea Commisslon, worote to you to stete Ehat the FHA daes not have rules against this particular lype of statute. They have comcerns about it because it will aliect thern, but ldo not think tinelr laans are precfurled becausa oí it.

## Biil Magrath, President, Gaughlin Ranch Homeowners Association, Rend Nevacla:

One of the things that is guad about extending the time frame 立om sik months to two yeers would be that it would allow an assaciation to slow the collections process down. If a homeaverzer gets bahind in his assessmente and the assoclation knoms it has a two-year comfort level, ic vill allow the assoclation to not race out and hire a lawyer and start the collectlon process.

Assemblywoman Spiegel:
1 just needed to disclase that 1 an arr the board of the Green Valley Rench Communlty Assaciation in Henderson, Nevada. This bill will mor anfect my assaciation any more or fess than any ather.

Chair Segerblom:
is there anyone wion trould like to speatl against the bill?
Bill Uītelman, President and CEO, Nevada Bankers Assnciakion, Las Vegas, Neyada:
When the bllt was first heard in Cammitrae I submlited a dotument from the Sumnierlin North Horneature Association (Ehinitit P), which was amended to change the forbearance the from sik inanths to three months. I thrak that an aggresslue callectlons policy by an assaciation is the answer to the problem the Assemblywoman is trying to solve.

The pality provides that the association can pursue on a contract theory as wall as the normal course of foreclosure, The palicy also provides that the assoclaton can worls out with the homeanner their failure to pay in a timely fasibion. It is the collections palley that makes these things work.

I am Supportive of the amendment ofrered by MAs, Laxalt. I would point out that while Assemblywaman Burdey's amendment striless existing law and moves it to a new section, it increases the lavest fevel of cost to 1550 and the second
 catogorles. 1 am not sure where the reduction is, unless it is an overall reduction in cose.

## Assembly Committee on Judiciary Subcommlttee March 25, 2009 <br> Page 37

The letter subrnitted (Eyhible Q) provided the pallcy of Fannie Mae, which will not buy a mortgage on a condominjum with more than slk montins of past due assessmenss. We toak a small suryey. Other lenders, while they da not have established pollcies, sald the till if passed will have a negative impact on lemeing in Nevada. Again, on behalf of the bankers, the answer to the problem the Assemblyvoman is tying to address b an aggresshe collection palicy by the hameanners' associatlon.

Chair Segerblam:
WIII Assemblywoman Splegel's lwo-yaar provisinn prevent some federal mortgages ar not?

## 日ilf UFeman:

It would certalnly run afoul of Fannje Mae with regard to condominlums or attached dwellinos. They have spaclically sald they will not buy those ilnds of mortgages for the secanciary market.

## Chair Segerblom:

Da you have any propased languege vihich would canve out Fanrie Mae?

## Bill Uffelman:

My proposed amendment would be to eliminate that section of the bill and change the tivo years back to six months. I had understood that the Assemblywoman was golng to exclude condominiums and attached dwellings from these provisions, which would be the kind of amerndment you woud want to inclurle.

Chair Segerbom:
What percentage of mortgages are Fänile Mae? Pretey hight Would it also Inclurie Veterans Administration (VA) loans?

## Bill UTTElman:

Yes, it is pretty high. 1 did not ask a V/A lender. Sa you understand, the latter pages of the letter (Eihlblt. P) are the guldelfnes that that lender is publlshing for the bentile de mortgage brekers and anyone wio is maiting lans.

Chair Segerblom:
What percentage of homeonhters' assoclations are contiominiums?

## Bill UFTeman:

In Nevada, I di not lnow.

## Assembly Cammittee on Judfiary Sulucommitee

Bacreh 25, 2009
Page 38
Assemblyman Hambrict;
Not only do condominiuns have their own HOAs, 1 also lue in Summerlin North and there are condominiums within an HDA. They san be members of other graups.

## Bill Ufielman:

A contominlum by tis very nature varuld have to heve a inomedonars'
 conciominium associadons thatere sub-assaciations of Summerlin, ior exariple. There are a lat of propertes in Summerlin that would be afiected by this provislan.

## Assemblywarian Spiegel:

Condominlums represent about 20 percent of associations. Inm swilling to go througit any fanguage or any proposer amendment from Mor. Uffelman.

Chair Segerblom:
It saunds lifee it would be worth it. Wauld you be willing to do that: Mr. Uffelman?

## Bill UFieman:

I vould be happy to glve her language on that, but we would still be opposed to the bill.

Erin McMullen, representing Banif af America, Las Vegas, Nevada:
Wa just veant to go on record in opposition to trits hill because we beliave that it penalizes bamks Tor trying to varik w/th indivitiuals and not. foreclosing sooner.

Assemblyuraman Spiegel:
Pthlals this would be an Important bill In terms of whet it means for our values and our state's real estate values and winat it means to our homeowners and our communties. I wauld like to see our communltes being leept strong, I am whlling to worlc vith everyone because I think this bill is lmportant.

Chair Segerblom:
I will clase the hearing on A,B. EOA. We will take a short recess.
I will open the hearing on Assembly Bll| 207.
Assernbly Eill 207: Mates various changes concerning common-interest communities. ( $B D$ 70-694)

Assembly Committee on Judiciary
April 9,2009
P馬白
Assemblymen Segerblam：
Yes，I thoucht that was a valid point．Since insurance cannat te purchased for puritlve damages，and because，for the most part，these are voluntear boards， 1 thinle it is inapproffite at this time to have a olrector subject to pundlye damages．

## Chairman Anderson：

There were also lssues braught Forth by Mr．Gordon，representing the Olympia Group．I would suggest thar，if he wants，he can relise then again in the Senate，We will probably see thls bill again in conference．

1 vrould entertaln a motion to amend and to pass Assembly Bill 350 with the amendments suggested in mock－up number 3895，which Legal carerully reviewed yesterday and the deletion of the provislon for puntive darages，

ASSEMBLYMAN SEGERELOM MOVED TO AMEND AND DO PASS
ASSEMELY EILL $35 \square$ AS STATED．
ASSEMBL YMIAN IGHUEN SECONDED THE MOTION．

## THE MOTION PASSED UNANIMOUSLY．

We vill not have to consider Assembly Gill 10日．The bill was incorparated into Assembly Blll 350．］

Assendlyman Segerblom：
Assembly Bill 204，Assembly Bill 207．Assembly Elll 257，Assembly Blll 311. and Assembly Bill 361 were all unanimously approver as amended by the Subrammittee，

Cltaitman Anderson：
Do they each have an amendment？
Assamblyman Segerblom；
Yes．
Chairman Anderson；
We will take up Assembly 日ill 204，We were brlefed on all of these yesterdsy，
Assembly Bill 2ci4：Revises provisions relating to the priarity of certain liens against units in common－interest communities．（IDR 10－920）

Assembly Committere on Judiciary
Aprll 9, 2009
Page 7
Nicolas Anthony, Committee Counsel:
Assembly Bill 204 has two amendments atteched. Dne is to address a potentiol confllet visth Fannie Mare lending provislone and the other is about collectlon prolicles [pages 48-49 of Exhilit E].

Chajman Amderson:
1 will entrobin an amend and do pass motion an tije recommenderion of the Subcammittee.

> ASSEMELYMAN MANENDO MOVED TD AMEND AND DO PASS

ASSEMELY BILL 204.

## ASSEMBLYMAN SEGERBLOM SECDNDED THE MIUTION.

## Assembliman Cobl:

 espectally when we are trying to clear these houses out of taventory and drap as many bamlers as posilble to geting them lnto the hands of naw anfars. What concerned me about sane of the teshmony we heard on this bill was that some homeawners' assoclations sald that they camat extract any kind oin dues, fines, fees, or assessments from banksj they cannat aven get them to mont the javins.

We heard testmony on a separate bill that the bente is in the same position as any other ovuner. There is a process to move against them to coltact, so there does not need to be all the lavryers' fees and everything else that will be pileci on. One of my constiments sald he twas trying to buy homes to reduce the inventory arld get the economy going again, and he veas handed an invoice for出4, 000 from a horneowners' association with fitc-a-month fues. So it was not the dues, it was the attorney's fees and everything else that was added on. I tuink 5ix months should be enough.

Ghairmen Anferson:
Homeowners' assaciations have been dealing with the problem for soms time, and thay would like to atogate it so that the expenses they have been canylng are passed to the new owner as part of closing,

Assemblyman Segerblam;
Anotiter issue was that this all uras supposed to put a Fire under the banks' feet trecause, right naw, they, fust let the property go knowing that after sle manths they are no Jonger obligated for tifese fees. This will hopefully encourage the banks to get the properties up and running and try to sell them.

Assembly Committee on Judiciary
Aprit $9,20 \mathrm{D}$,
Page 8
Assemblyman Mc:Arthur:
I de tinlli 24 months is far too longe but 1 whll vota yes to get this bll out of Commitae, 1 reserve my right to change my vote later.

THE MOTION PASSED. [ASSEIMBLYMAN CO日G VOTED NO, ASSEMELYMAN MLARTHUR RESERVED THE RIGHT TO CHANGE HIS YOTE ON THE FLOQR.\}

Let: us turn to Assembly Bill 207. Assemblyman Carpenter's bill. The recommendation irom the subcommitee was an amend and do pass.

Assembly Ejll '207; Makes varlous changes conceming common-interest cormmunities. (BDR 10-694)

ASSEMBLYMAN MANENDO IUDVED TO AMEND ARD DO PASS ASSENBLY BILL 207.

ASSEIMELYMAN KIHUEN SECDNDED THE MOTION.
THE MDTION PASSED UNANIMOUSLY.
Let us turn sa Assembly 뱅 257. Agaln, the Subcommittee voted tinamously to recommend an amend and do pass to the full Committee.

## Assembly 日ill 251: Revises prouisions relating to common-interest communties. (BDR 10-555)

Micalas Anthony, Committee Counsel:
There is a morls-up preparod [page 52 of Ephibit E], which clarifies that if en election is held and there is a member nunning withoet oppositlon, then the bosed does not have to send alt adints. It canjust elect the persorn.

ASSEMIBLYMAN CARPENTER MOVEO TO AMEND AND DO PASS ASSEMBLYBlLL 251 .

ASSENAEI.YMAAH SEGERBLOM SECONDED THE IMDTIDN.
THE MOTION PASSED UNANIMDUSLY.
Let 45 turn to Assembly Bill 3T? Assemblyman Setemeyer's bill.
Assembly Eill 377: Revises provisidis goveming the inancial starements of conman-interest communities. (EDR 10-389)

## Senate Commaltee on Judiciary

April 29, 2009
Page 14
Gary E. Mhlaren (Community Associations Institute):
I agree with everytifrig Ms. Gallo and Mis, Stakey said, The bottom of page 2 ar the bll, the very last sentence says, "... owns the vehfele for the purpose or responding to requests for public utilly services ... ." Do we need to adth the voords "first responder" or "emergency" in that situation?

Chall Capr:
$I$ will dose the hearing on A.B. 129 and open the hearing on A.B. 204.
A55EMABLY EILL 204 (73t Reprint): Feulses provislons relating to
Commor-interest communilies. (GDR 10-920)
Assenblynuman Eliguce. Spiecel (Assembly District No, 21):
As a disclosure, I serve on the Board of the Grean Valley Ranch Community Assoclathon. My participation on the Board gave me insighti, lnto this issue. I learned about some of these issues es I was going door-to-doar speading with constiments, and I did more rasearch.
 market, preserve our eommuritles and help protect our largest assets-our homes. Whethar you live in a common-inkerest communlty or not, whether you like common-lnterest communitles or hate them, and whether you live in an urban or rural area, the outcome of this bill will have an impact on you and your constiments.

In a nutshell, this bill does twa thinge. First, it requires common-Inkerest commumbles to implement and publicien their collection policies. This will Increase the llkellhood that assoclations will be able to collece thelr assessments or dues priar to fareclosures. Second, it makes it passiole for common-interest communities to collect dues in arrears for up to two years at the time of foreclosyre. This is neressary, becauge foreciosures are now talding up to turo years.

Everyone wino buys into a comman-interest community urderstancs there are dues. Communtty butgets have historically been based on site assumption that nearly all of the regular assessments or dues will be collected. Communities are now Facing savere hardisips, and many are unbsle to meet thelr contractual obligetons because they are not receiving the revenues owfed to them. Others

## Senate Committee on Judidary

## Aprll 29, 2009

Page 15
are reducing their services and maybe simultarmedsly incrasing their financiat liabilities. They and their homeowners need our help,

I recognize there are some who are apposed to this bill, and you will hear from thenn leter thls moming. The objectives of the bill are to help homeowners, banks and investors malntaln thel property values; help common-lnterest cornmunltles mitigate the adverse effect of the mortgage roreclasure crisis; halp homenwhers zvold special assessments resulting from revenue shortiflls becatse fellour commurity members dild not pay thelr required fees; and prevent cost shffing from common-interest communities to focal governments. This bill is vita! because our constluents are hurting. Our econormic condition is bleak, and we must telce action to address our State's crlitcal needs.

Statewide, aur indifdual praperty values continue to decline. Dut urban areas are being hill the hardest. Everybhere in Nevada, wre are having Toreclosure problens. Clark County is the haldest Ifle. Between the seconci half of 2007 and the second half of 200B, property values decllmed in all zip codes in the Las Vegas Valley, except for one. The smallest decllne was 73 percent, and the largest: decline vras 64 parcent.

Our property values are being depressed bacause of a few fattors. The increased inventory of housing due to foreclosures, abandoned homes and economic recesslon bring the pricing down. Consumer inablity to acquife mortgades, increased neighbarhood blipht and the decreased ability $\quad$ aF commanities to prouide obligated serviees also bring prices down. No one wants to bly into a blighted communlty unless it is ait a bargaln-lasement price,

We all hoped the stmulus package would help, bue help is not on the way for most Nevadans. We have the highest perceritage or underwater morigages in the natlon. Twenty-Elght parcent of Nevadars owe more than 125 percent of their mortgage value, so they ase not quallijed for Federal help. Nearly 60 percent: of the homeownars in the Las Vegas Vallay have negatlve equity in their homes.

What does this mean for horneowners in common-interest communicies? There Is decreased quality of life because lithere are fewer services provided by the associations. There is also Increased vandallsm and other crime. There is the potentlal for lncreased regular and special assassments to make up for revenue shortialls. As a coroliary to that, assaciations have liabilly exposure beceuse, if

## Senate Committee on Jucilary

April 29, 2009
Page 16
they say thay are providing certaln services, peaple may have boughe in because of thase sarvices. If thase services are not being providied, the assaciation has liability for that. There is Increased Instabinty for communities and further declines in property values. Nevada Revised Statute 116.3107 reguires assaclations to maintain, repair and replace the common elements. If the money is not there, it has to come from somewhere. Associations stop providing services or impose special assesshents,

1 conducted a survey and recelved responses from community association managers stalewide. My respanses covered 77.020 daors. Seventy-five cornmon-interast eommunities respanded-55 responded in Clark County and 20 In Washoe County. No one was apposed to the bill. I provided you with a summary of my testimony Eahibit F, original is on file in the Research Library). The comments I recelwed from the suncey were enllghtering, Erhibit F, pages 10 through 12.

Cost shifting Is gaing on for sarte serulces. The costs are heing shlfted to local gouernments. For example, in my community, we have a company that does grañiti removal. Clark County alsa provides gramithremoval services. If ure needed to cut our budget for lacic of funds," we could theoretically adylse the homeowners to E-ll Clarl Colmty, and they vuill come and take care of it This cost would sfiitt to the lacal government

Code enforcement would be simllar, lf wa have to cut back on Inspactions, local governments would have to talce in those roles. The LISe of public pook and parlts wifl increase becouse, if the communtties are nat able to maintialn their pools, people will tinen go to the public pools and parics.

I was questioned about security patrals. My community experierted an increase in vandalism and problems along our walking paths, We could not afrord to beef up our private securly patrols. So, we turned to the Clty of Henderson. My community is open and ungated. The hity of Henderson has increased patrots in my communlty, There is cost shifthag gafng on because we cannot afford to hire the private companles we have traditionally felied on.

Another potential impact is when communities are having tash-Raw istues and make tate payments to lowal vendors-gardeners or small businesses that provide supporc services. This inther contrlates to the downfall of the area.

## Senate Committee on Jutliciary

Aprii 29, 2009
Page 17
There are a fevi proposed amendments out there. You have received truo of them by email or regular mail. I put an amendment togetiper that entapsulares one of the amendments and hes some addnional language Exhiljit G). Ny amendment does two tilngs. The bill has extluded certaln types of unlts becesuse of Fannie Mae and Freddle Mac requirements. At the time, we thought the easlest way ta do that would be to limit it to single-fomlly homes, That emeluded lats that have been purchased but not developed and other things that 5hould be covered, We heve made the language generle 50 those would be included valuere permissible.

There are some condominiums and attached townhomes on properties that were excluded in the versian of the bill you have, and they do nat fall under Fannle Miae and Freddie Mac requirements and provisans. Those should be Inclurded as well.

The other component of this amendment is that, If Fannle Mae and Fredilie Mac requirements viere to change sa properties cauld be covered urider them or the super priorlty cauld be extended under them, no additional leglsfation would be лeeded.

The Bonkers Assaciation has an amendment (Exibite H). I do mat support that ameriment beceuse it talses away indm the intent oí helping comraunites recover fonds and mathe themselves trhole sa they can pravide the services they need to pravioie.

1 Urge your support. Assembly Bin 20 色 supporis Nevado communites and is vited for our recovery. It stabillaes communitles; it vull milipate further decilmes In property values and lotal buslnesses; and it will help homeowners, famlles, banks and other Investors.

Chair Care:
We have two proposed amendments, one From Sandra Duncan (Exhlbit I) and one from the Bankers Assaciaclon, Effibit H. Yaur mack-up, Exhilbit G, would relate to all real property ufition the association, $n$ orrectil fitlally, it was the detached fernlly diveling.

ASSEMBLYWOMAM Splegel:
Initially, it was all property, Then, we limited it to single-fanlly civellings in consideration of Fannle Miae and Freddle Mac because condominiums,

## Senate Commlitee an Judlifiary

April 29, 2009
Page 18
townhames and bther attioched dwellings cauld not be inctuled or they watd not undenwilte the matgages, We thought tiat was acceptable because they underwite approvimately 80 percent of all mortgages, We did not want to create more problens for homeowners. However, we evoluded lots such as Mrs, Duncan was concemed about.

## Chalr Care:

The way your emendment, Ekhibit $G$, is dfatted, it says, "... unless the federaj regulations ... " Exhibit G, page 2, Hine 15, it goes on to say, "... If the Federal regulatuns ... ," There are already Federal regularions. Is this in anticipation aF federal regulations being adopterl?

## As5emblywaman Spiegel:

I understand there are regulations ar requirements that say for loans Fannle Mae and Freddie Mac undervilte, there is mo more than $\exists$ siy-month super priarity assachated with that. The second part of the language seys, if they were to Ehange l:heir regulations to whatever period they would designate, that would apply here as well.

Chair Cane;
Apparently, discussions fike that are taking phace in Washingron, D.C.?
Assemalywamain Spiegel:
They are ether takfog piace or are inminent.
CIMAR GARE:
If they were adopted, I do not knovi if we need the language.

## SENATOR ParkS5:

Detaching condomintums and townliouses is a problem for me and a number or my conatituents. Something has to be in this bill addressing thel issues, The existing language appears to lnctude single-famlly, condominiuns and townhouses, whereas the revised language appears to me to only include 5ngle-funlly detacher divellings.

## Assemblywaman Spiegri:

The original verstan of the bill did inclucfe lownhomes and condaminiums. The amencled versian to adiress the Fannle Mae and Freddie Mac isstie was limited to slagle-family homes. My amendment, Erinith $G_{\text {, would excend it to }}$

```
Senate Comrnltree on Judiclary
April 29, 2009
Pege 19
```

condominiums, townhomes and other types of praperty wherever possible becouse Fannie Máa and Freddie Mac's federal requlatlonstale precedence over Nevada lans.

## Chaircare:

Section 1 as the blli, page 3, line 24 through 27, says the executive board will malce the policy establlshed avallable to each unit's owner. Does that mean it is ovailable upon request; of ts there a requirement contemplated here that polloy wouldbe glvers to the Unit dinners asi a ratier of course?

## Assemglywaman Spjegel:

Under NRS 716, the boards are reçulred to mail the Eudgat to each homeaviner withlry their association for approval and ratiflcation of the burget. This provislan wauld require the callections palicy to be included in that packer.

## Sandra Duncins (Alpparis Estalyes Homeotrmers' Assuciation):

I had submitted a proposed amendment, Eyhibil I. Howfover, the language in Assemblywiorman Spiegel's amendment, Exhiblt G, Is better than what I had suggested. I am in favor of her blll. We have at least ane hameanner wha is seriously delinquent. The process of foreclasure is taking constiderably fonger then the she montha. Thls eytension of the super-priarity lien would help avoid athar limeowners having to make up for the amatit of money vie are losing. Even though sve ere small, our associotion has a collections policy, We mail that out animally to our hameowners, if you pass Assemblywoman Spiegel's atrondment, Exilbir G. 1 will vilitadrave my amendment.

Josh Giffin (American Nevade Company):
We support thls till and Assamblywoman Spiegal's amendment. Amerlan Nevado Company has bult and developed the two largest cordominlum projects in thet section of Green Valley in Assembly Districe No. 27.

Mis. Rocis:
Olympla Group supports this bll. it is valuable. The fack of the atillty to collect assessments puts a burden on government agencles. Southern Highlands, which is our largest mascer-plamed community, is Jocated in the southinest area of Las Vegas. The Las Vegas Metrapajitan Pallee Department (Metro), Sourhwest Area Cammand serylces that area, On any shift, they generally have between 17 and 16 vehifles on the road, They cover 250,000 roditops. That is apprasimately one Metro vehicie to 20,000 hames. We have 7,000 homes In

## Senate Committee on Judiclary

April 29, 2009
Page 20
Southern Hlghiands and 4 sectrity vehtelas. That is 1 security vehicle for every 7,700 hames. On a daily basis, when calls come Into Merro, they call aur security force to be a first fesporise for backup if there are vehicular acridents. Mester-planned communitles provile vital services that talse the burden off law eniorcement agenaies. But it is a nonessendal service and is somathing considered to az cut vihen there is a lack of funds.

Nichabl Truderl (Caughion Rancif Homeawners' Assaciakion\}:
We support this bill, 1 had same cancerns Ebout the amendment approved on rife ather side because, as a manager, we have to interpret these proulsiaris, and we disagree with litle campanles or Realtors regarding our incerpretation. This amendment, Exhibit $G$, clarifles the intent of the bill and the provisions that would exclurfe those housers from the twa-year super-prlorlty lien to the six-monith in a way that sathshes our concerns.

Wike Randolph (Homeowner Association Services):
I am in favor or this bilf, I arn glad to see the requirement tor send the collectlan palicy annually. It should also be sent with all welcome packages and resale pacitages,

Condominlum and townhouse associatlons have a high Foreclosure rata. The costs nat paid durlig the super-priority lien ralses fees to other members who are struggling to stay in theli hames. If we can include the condominiums, towrhiouses and mobile home commbnitles, it would be great for Nevada and all hamemwners.

Bill UffeliviRn (Nevada Bankers Association):
I am a representative to the Summerlin North Cammunity Assaciation. We modified our palicy to specifically ernfiaslze the abllity of the association to do collections putsida the lien process. They cauld bring an action.

The irony is that homenuners' associations, in many cases, are the first one to knour a hamenowner is in trouble, They have not missed their mortgage payment: but miss their HOA payment. if the association stays or top of that and exercises its right under the law, there Is self help there,

You pracessed a hill from Senator Parks talling about the foreclosure owner fillng within 30 days; they are the new atuner. The assaciation will know whot the new awner is. On May 5, you will hear a bill from

## Senate Committee on Judiciary

April 29, 2009
Page 21
Assemblymari Richard MaArthur, Assembily Distriet No. 4, vhich talls about y homeaveners' association enterlng proparties in the association to do minimal maintenance sa it ls not an eyesore.

That flan, becalse it is an assessment, will survive and be part of the foreclasure and would be paits. The new owner of that property has an obligation to maintain the property at the HDA standards.

In Foredosures, a bank or the fender coes not have any title or tight to that property uncil the foreclasure sale. Yau have a 21-day natice that there is going to be a sale. You have to glve a 90 -day notice $0^{-i} d e f a u l t$ and the intent to exercise rights ta sell. Typleally, you da not get the 90 -day notice untll you have missed payments for 3 months. The reality is, in approxintately 270 dajs, the lender may became the owner at the ioreclosure sate, or a thite party may purchase the property. That is where the stimonth laok back on tomenomer assessments cartes in.

Untill you start missing payments, the lencier hes or idea what your situation fs. The bill is retroactive, As the bill is wittten, prospectively, we can pick and ciovse among the dveellings this will apply to in a homeowners' assaclathon. because it would apply if someone's Iomis is a Fannia Mae or Fraddle Mar contorming loan. If Fannie Mae or Fredtie Mac ovn the Ionn, thelr rules would apply. If it is another mortgage-bacied sacurity, you would have another set of rules if ti Forecioses another time.

The bill is disruptive of the lending procass. Lenderss when a bunde of morigages is offerod, have to evaluate what they are buying. This is in part what got us where we are because the people who were supposed to do that evaluation were not paying attention to their job.

My anmendment. Fuffilit $H$, is to strike section 2. That voll leeep the lavy at the six-month loolk bacir on homeowners' as5oclation dues. it takes advantage of the provislon, saying HOAs must get serious about managing thelr association. With Senalor Parks' bill and Assemblymen MoArtnur's bill, you are athecking the core of the problem. In meny ways, there is a reward for homeowness' associatlons where tile association management has not exertised their right. The purchaser at the forectosure is golng to pay-the financial institution ther is roreciosing or a third-party purchaser at the foramostre sale.

## Serpate Committee on Juviciary <br> April 29, 2009 <br> Page 22

The Nevada Bankers Assaciation is opposed ta section 2 of this tuill and ask thet you strike it from the bill.

## Chair Care:

Were yoid stating there ere people who are melding their mortgege payments but: skipplig the general assessments? The property manager or HOA is aware of that. I do not know the degiee of tolerance for that.

Mr. UfFelminn:
My assaciation tightened down ins collaction policy. Before that, you were ellowed aboul six-months slippage befare they attacked you. Natw they attack more aggressively and quideer. They give you 30 days to cure, and jr you do nal eure, you no longer get: the option of monthly paymentis; you have to pay a year ahead. They made it clear they have a right to stre in civil court under the contract. You have a contract wulth your hameowners' bssocfatidn and have a contractual abligation to pay the fees. You could get ajudgment aganst you. That could all be trigered before you miss your flrat moiligage payment.

## Chaircare:

You gave us tipe 200-day scheme, within gave rise to the E months curfently on the books. The tescimony was that forechasures are nous taling up to two years,

## Mr. Ufrelman:

1 do not know winather they are balling two years, One of the lronies is that around Thanksgiving, Fannie Mae and Freddle Mac dictated a maratorium inat they were not allowing any more íreclosures for about 90 days. Sa, we hard a blg splle in foreclosure fillngs in March, That was because Fannle Mae and Fredrile Mac's loreclosure manatorium expired.

Those who service the mortgages-recelve the payments and distribute them to paper halders, martgage-bacired securites or the bink-the systen got bound up. We have worked through those things. There are lenders with have not pursued fareclosures. Once / haue become the owner, I have an oblligatlon under Nevada law, and $\overline{50}$ further emphaslaed by Assemblyman McArthur's bill and Sernator Parks' bill, to mainteln that property to the associatlon's standaris. That is golng forward after the roreclosure, I have no cantrol over what happens up to the the of the sale.

```
Senate Commiltee on Juticlary
A.pril 29. 2009
Page23
```

There is the sltuation where an Investor purchases a hame and intends to ilp that home to make money. Perhaps he sat on it for a year and old no manntenance. Assemblyman NitArthur's bill speals to that situation. Senator Parles' blll speeks to the situation that, once it is sold, the association will know who the awner of the property is. Then the association wiould pursue the new owner to do what he is required by law to do. As lenders, we have no control af it uncll vere ams le.

Gearie ross (Banlk of Amerlta):
Bank of Arrierica opposes A,B, 20, at leasi sectlon 2, The tine or six months should not be extented to two years. Bank of America wancs with those with whom it has mortagage to try to keep then in their propertles. Those people are beglning to exhibit signs thal thay may fall behnd. If they do fall behind, miss payments of melce lete paymenes, Bank of Amerlea makes every effort to cantatt that person and find out what is happening. Bank of Amerlca cries to find out vohat it can do to adjust the mortage, forglve payments for she months or redo their mortgage. Similarly, Bank of America is nons in a natlonwide program to redo hundreds of thousandis of mortages, Sls thotsantion more peaple wark directly on this.

Sometmes, these efforts do not work, and the home is ultmately fareciosed, This can take time, up to two years. What we are seaing here is that because we warlerl with thesa peopla for a period of time to try to keep thom in their horme, we will be penallerd for 1 B more monthe or hormeamer dues. IF we work witin these people and are then penallized vilth homeowner dues, that is not a goorl economic calculation,

You will get saveral bllis fiom the Assembly fawing to do with helpha rentres in foreciased sitwations and bills helping those who are getting mortgages. Assembly bill 749 will sat up a medlatlon process for those witho are afrald to go to tfiel lender. Those are progressive bills. But thils bill sends the wroag message to a bank who may be trylng to help people stay in their homes.

A5SEMBLY BULL 1 f9 (1st Reprint); Revises pravislons goveming foreclosures on property, (EDR 9-824)

GhainCare:
1 will close the hearing on A.B, 204. We will go bacis to worl sesslan and address A.B. 59, Exhibit L, page 2.

Senate Committer an Judiciary
May 6, 2009
Page B

## Assemblyinan McArthur:

That was thonged in the amendment. I an not sure why, when the wording is tecinical. An HOA can include high-rise condaminlumb. if you go to common-Fnterest cammunltiles, it refers to the simple-family detacher duellings. That was probably addied to colncide with the warding on page 1 vuhere my ariginal blll had HOAs, and they changed to camman-interest communities. Those are eammon-interest communities; that is why the wording was changed.

## Chalr Care:

We had A,B. 204, and I am fooking at a note indicating tio amendment was acteded to avoid conilict with federal laws. I secall same connection to the Fereral National Mortgage Association (Fannia Mae).

ASSEMELY BiLl 204 (tst Reptint): Revises provisions relating to cammon-interest communfles. (BDR 10-920)

## ASsemblyman McArthur:

There were same Fannie fulae and loblbback problems witer you went further then the six-month lookback. That was part of complying with those lauts,

## Senator Wiencer:

Mir. Chatr, to respond to yaur question about subjective deremmation, on page 2, llne 33, "adversely affects the usa and enjoyment." An abandoned or vacent property dues thot always have to be slght, It could be ofor or something deteriarating on the prembes which would ... you might not see it, but you can smell its presence.

A5semblymen McArtiour, an page 3, section i, subsection 9: paraqrapin (c), it says "has failed to pay assessments for more than 30 days." When dass the clock start ticting on the 30 days? is it on the date due or within a 10 -day grace period?

ASSEMELYMAN MCARTHUR: I would assume right at the beglning when it is due,

SEnator Farks:
I alsa saw 30 days and thaught it seemed a falriy short period of thre, A 60-day perion would be mare appropriate.

Senate Cammittee on Juticiary
May 5,2009
Page:
Assemblyman moArthur:
1 agree whth you, but that 30 days was nat in ney ariginal bill. I vould be happy to make it 5 d days.

## Senator Parifs:

Mr, Chair, I would Eay lī we are looking at an amendment, we may wanl to addrase that.

Chair Care:
That. is fine. Thank you, Senator Parks. Any additionel questiapas
Bill Uffelmand (President and CEO, Nevada Banlers Assaciat[ari):
I am in suppore of the bill. in the Fall, Assemblyman McArthur and I talked about the proalem. I suggested the lender has no right of entry undil after the toreclosure sale, at which time the lender, for better or worse, windis up being the uvinner. I suggested this remedy was periaps the way to deal with these things. As he has noted, we do not want to view this as a llcense for the association to malce it the most prlstine house on the block.

The questlons you had regardling what is bilight ar deterioration were good ones. 1 suspect when you see $\mathrm{It}_{\text {, }}^{\text {you will know it. Over the weekend, there was a }}$ story in the faper titat relates to the concapt of affecting the enjoyment. A calory or bees had moved anto a property. The nent-dar nelghbor mas allergic to bee stings, and the mases in her yard drew trie bees. The neighbars, out of their awn pockefs, had the bees removed. Those situatlons haperully will be remedled under this bili. Some manhers asked why wie have to motiry then that We have filed the notice of default with the election to sell when it is a public documant, I have stggester they might want to galong to get along, There are technical issues, but everybody Is going to have to roll with this to make it wark.

Yout are cortect in the reference to the single-fanlly dasignation. if you are in a condominium, thelr obllgation includes the maintenance of the exteriar and the commongrounds. All those things are supposed to be recovered fram thetr fees, Whereas thls spectal assessment is relative to the shale-ramly homes and wauld carry Into the fareclosure and be an obligation to be pald, unllike A.B. 204. the extension and lookback. Extenting the 30 days to 60 days males sense.

## Senate Committee on Judiclary

W/iay 6, 2009
Page 10
Randr Robison (Nevada Credly Union Leegue):
We slgried in apposed, but are in complate support of the till. Ascsmblyman McArthur did meet with our group befare the Sesslon and telted about how to get a situation where lending institutlons and HOAs were telling about the issule much sooner in the procisss. However, many of the Committee members have already spaken to some of our concerns whid the way the till has been ciafted?

Dur issue is not with mantenance, mañoling a property, the landscaping, that type of thtog. It is to the HDA's bentill as well as to the eventual ounner to have that ione in terms of market value and zpprisal. That is not ous lssue. We are concerned it is crafted tor broadly, particularly vhen we are falking ebout who bears the responslbility for cost recovery and those bsues. A Fewt polits other Committee members bave spoken to in section 7. subsection 2, paragraph (b), subparagraphs (3) and (4), lines 31 through 3., are subjective, although we understand what: they are trying to get at. That might be coo broad for ourcamport:

Chatr Care:
The testimony was this language may already exist alsetwhere in scacute or facal ordinance In Norsh Las Vegas.

## Assemelyman McArthur:

Yes. That is what I remember, I am not sure that is in out statute.
Chair Cate:
Since Senator Parls proposed an antendment, pether than doing anything taday, thls gades an worlk sesslan-lf we can verify the langyage is elsewhere in law.

Mr. Roblsofis
One of aur other considerations is further clarifying the limitt to the application $\mathrm{of}^{7}$ the authority the HOA has to maintaln. Perhaps that might le done by a high-dallar cap on ellowable expenditures. Another way to do that may be to require docurnentation that shows when the costs mere locurred and what they were incumed for, so when you present an ordar for payment, the payee has a recort of thase expenses.

On page 3, section 7 , stbbectlon 9 , is the defnition of "vacant:" We were concerned about the broadness and suffectivlty of the deflnition in terms of

Sentto Commlteee on Jucliciary
May 6, 200 B
Page 17
subsection 9 , paragraph (a), "Whlch appears unoctupled." We also had the 30-day concern on paragreph (c). I will use a personal emample. When I come to the Legislative Sesslon, I brfag my fanily whlth me, shut down the house, turn off the fights, and we are gone for four and one-half bo five mantis. The way ure are sftuated in our HDA, we have ane neightor. The other side is open space all around $\pm$. At night, if you are driving by on a regular basis, it could appeor the house is vacant. However, we go home a few times a Sesslan to pull weeds. We are paid up on our assessments, but there seans to be some wiggle room that may be tightened up.

Those are our concerns, vie support the concept of the bill. Assembly menbers have mentloners the air play between thls and A.E. 20A. I apologize and thanis Assemblyman McArthur; he did meet with lus before thls Session. We spent time with iom last weals on same of our cancerns. Camments he marie in its testimony helped in terms of clarliying the intenc. We dud want to get on the recard with linase further cancerins.

Chairs care:
You had the same discusslon on the Assembly side?
MR. Roblsons:
Unfariunately, we did not. We came to this party a little late, and I will take full responslbillty for not getting aver to the atherside.

## Chaircare:

You are here representing the Nevada Credit Union League, and I do not think af credit unions as home lenders or geting in the tusilness or refinanclng hones. Whate Is the role of credit unlons when it comes to HOAs and foreclosure?

## MR. Robisan:

A slgnificant portion of our partifllos do home mortgages. Whth all of the mortgage anci fortelosure discussions accuring the last several months, our position is we did nat do same trithe risky, questlonable lendlag on the front end because our structure does not allow hs to in terms of risk or portfollo assets, Our problem as the econamy has further fieterloraterl is many members are now losfng their fobs and having dimiculty paylng their mortgage. In credir union land, if you miss your morgage peyment, the nirst time you miss it you are Ifkely to get a call from a kind customer sarvice repesentative at ona of our institulions who says, hey, we see you missed your payment, is everything

## Senaie Cormmiltee an Judiciary <br> May 5, 2009

Page 12
okay, is there something we can do to help, has your situation clanged? if sa, came in and relk abour it-as apposed to ather instituslons that may take three months befare it is even flegged, and then there is another lag time to address the situation.

We do not have a problen with the intent of the blll, as we typically do that already. We lenowe much sonner than most when one of our members is in what Is going to be anancial trouble, if they loave to wall avay from a home and we go tilh mugh the foreclosure pracess, we already go in and start to mainialn the property and the landscape, W ( do not like to be th the lawn-cutring ouslness, but: we flgure outa way to get if done.

To ansurer your question, Mr. Chair, there lis limited application and impact to credlt unions because of our size and sturture, Sometmes, that is more megnified tinan in other, farger financlal institutions.

## SEnATor WVASHington:

You mentioned one of your concerns bbout the bill ls Ether hard-copy documentation of the cost incurned or a cap. Which would yaur association prefer?

## Mr. Rogisan:

As the League was lodring at the bill, the hardi-dollar cap wes what they saw first. As they discussed ic more, if became clear that may not work in all situations beeause different HOAs have varled levels of assessments and requirements in tije covenants, canditons and resulations (CCRRs). An alternative or peritaps a conjunctlve measure valutd be reporting when that order for costs is presenter. You could sit town and have a discluscion about what was done to the lawn that dled. Some of this other stuff may nove been beyond the scape of what vo uvere talking about.

SENATIR WASHINETONS
Would you want that documentation of incurred costs belore the services are rendered or anter?

NTR, ROUISDN:
We are talling in terms of after the order is issumut because we do not want to ilmit the association in malntainling the minismums accarding to the CCBRS. But

Senate Committee on Judiclary
May 6,2009
Page 13
tying ta balance the interests of maintaining versurs geting beyond the scape of minhturte maintenance may help us trlm =ame of thot cose.

## Assemblyman McArthur:

I vill say that we are both the same on the Intent of this bill to just malnteln, not add anything on. The whole liea of this bill is to male sure we ger the HOAs, tie lending instltutions and ieal estate peaple comfortable. It loofs like most of our interests are covered, but if there is something they wrould like to see kiphened up, I would be happy to to so if we amend it anyway,

## CHARLCAIE:

Mr. Robison, if you have anything, please share ic with Assemblyman Mitarthur.

## Stinatur Copenine:

Assemblyman McArthur, regaralng subsection 9 where you talk about the vacancy, is there a period when somebody walls away in which the HOA cauld enter the property, but the banlsing institution will not fave known that person nas walleed away yat?

Assemelyman MicArthur:
Usually the HoAs are the irist to knave if samebody has Just walked avoay. They krouv that thelr assessments and dues have noc been paid and the place is deteribrating. It may have been deteriorathng several months beiore they wallced avvay. The problern has always been the lending institutans do not lnain about化 a and there has ben no way for them to get together. Hoperilly, the way the HOAs and lending institutions will get together and tals about it, even though the lending institutions have not starned paperwork for the default process.

## Senator Copening:

If an HOA enters the home, perhaps because ariabraken windour and thay nead to enter the premlses, or they need to deal with the fandscape, who assumes liabillty should something happen to thet property? For example, 各 fire starts in line inouse or a sprinicter system breaks. Who actually has the flabillty for that home durling that tirme?

## ASSEMELYMAN MIARTHUR:

The unit ourner still owns the properly. All this bill does is let the HOAs ga on the properiy and maintaln the property. If there is some mojor darnage, someone

Senate Commitee on Judiclary
May 6, 2009
Pagn 14
stiil anns t , 日ut the whole problem is they walls away, you cannot find tifem and has fending institut|ons may not be auvare of ic.

Senatar Copening:
If an hiory happens on that premolses, even though that person has walted away and the HOA has chosen to go onto thet property, it is still the responsibilty of the owner of thet horne, even though they did not glve, permisalon?

## ASSEMELYMA.N MCARTHIUR:

That is my understanding. They can go on the property to maintain $k$, nat for anything else,

Mr. Uffelman:
Normally, an Insuranca clause In your mortgage says you will maintain an insurance pollicy as the awner of the property, If you defaulted on the loan and clefeutred on your incurance payments too, the mortgage company has a right to purchase insurance to insure the property even though they have nat gone into defablt during the 90 -day perlod. There is a presumptlon that somebociy related to ihe property is malnteining insurance. Whether that ls 972 percent of the Eime, whe cannot guarantee that, but the property insurance requirement is tuitt minta a mortgaga.

Chat Care:
Let 15 ga to Las Vegas, Mr. Redocina, you had wanted to say a feve wartis about A.B. 361, arid Mr. Buckley, you villl follows Mr. Radacha.

JOHIN Ratocha:
I am a homeawner, ( know you have heard enough about good and bad boards, and the mose precious cammorlity of the homedwher is his home, but I went to reference page 3, section $2 . \operatorname{subsection~7.~paragiaph~(~} 3$ ) and linge 42 , 1 belleve this has talken the homeowner's bill af rights from fim, It is llie giving these guys e blank cineck on a board. Yes, they fat you spealc al a board meeting lf you have en assaciation meeting, but it is fike a kangaroc court. I have seen peaple speak and I have seen people going through papers not even paying attenton, I would flite to know if that provision could be stricken irom this bill because is gives them the right to do whatever they want. Where oi we get the vate? Thls is what is bothering me, It does not say put it on a ballot.

## Senate Commlitee on Juciclary <br> Miay $\mathrm{B}_{\mathrm{x}} 2009$ <br> Page 15

The assaciation CCBRs say there will be no tampers or trailers sean above the walls. A gry comes in, he gets on the board and the rext thlng you knows there are campers and trallers above the walls. There is a rulo no diesel tricks, and all of a suddien a guy comes in, he gets on the board, and the next thing you tenow there it is, ano they say, wh mo. that has been changed, that has been anented.

We the people to not have a say. Everything is up to the board, and if they can get enough people at a meening to go along with them, they say tt passes. A lat of the time the president will say, I an in favor of this, anybody'else? The banard puts up their hands and, by golly, it passes, I do not think that is fair. I would llke for homeoviners to have more vating power. This bill says do any and all of the following: adopt and amend bylaws, rules and regulations, I think thls should be stricken.

## Chain Care:

We had about a half ciazen comman-interest communilies (CIC) or HOA bills, and we have an equal amount coming over fom the Assembly. The passage you have cited in NFS 716.370? 白 existing lawf it Is in here because it has to be, The proposal is to change a subsection to that section but not that particular language. I need you to understand that,

Your proposal would be, if the Commitlee had appette, to strike fron the statutes a provision you have cited, "adopt and amend bytaws, males and regulations." Is that carrect?

## Mr. Pamocha:

That is carrect, You could leave it $\mathrm{In}_{\mathrm{h}}$, but you need to give homeawners a provision to vote. Same boards cake advantage of this, That is a bla loophole. I cited some examples. Anotjer example is they want to change sometining. The board people will Imock on doors and say, we want you to do this, and ir you do not do it, four of inve days later you get a letter chat says you have some
 up with any thing they want and you are paverless. Let the peaple vote on what they want to dio. That is all I wand to see.

Chalr Care:
Thank you. 1 am sarry you did mas get to teatify on A.B. 207.

## Senate Commiltes on Judiclery

May 6,2009
Page 76
Mr. Rapocha:

Chalr Care:
There are other bills coming. Whatever Website you are consulting, kesp watcinting; there vill be others.

Mir. Euckley, you Mave heard the proposed amemdment from Semator Parks as to the parson halding the security interest providing the asbaciakion-lt would be 60 days as opposed to 30 days-and then the commente from Mr. Pobison, You probably had prepared testimony, but you nay want to comment anyway.

Micfiak Bucillay (Chair, Commisslon For Comman-interest Cammunitias and Condorminium Hotels, Real Estate Dlvislan, Departanent of Business and lndustry):
I have warked with Assemblyman McArthur on the language in the bll and edd not have any prepared testimony, but I woutd malse four polnts for the benefit of the Comraittee.

The flrst thing is--iī you look at pega 2, sectlon 1, subsection 2, paragraph (b), line 25 and then subparagraph ( 4 ), line 32-l'o notice the word "and." All four aif those things have to be present. It is not if you are blighted ar if you adversely affect, it is all of throse chings. That is the utay the bill is wifleten.
 "and." it Is not only that it is unocrupled, but it is not malntalned and the assessments are not pald. So it is all three of those things. That may adiress sorne concerns of the Senators and the people who spolse,

The other thing is in reference to Mr. Robison's concerns, The assaciation would use the standards in the communlty to maintain the property. It would naturally derer to whatever standards, so ic wauld not be somethirg out of the ordinary, ir it was provided, it vuald be in accordance with the standards, That is what tine assaciaton would do anyway.

As for as records and what money is spent, the assoclation has to maintaln records of what it spends. Under NRS 176.3i175 and NRS 716.31777, whit owners are entitled to loble at those records, Concems about seeing howr much the assoriation spends are already built into NRS 716.

## Senate Committee on Judiciary <br> May 5, 2009 <br> Page 77

For an explanation on page G, section 3. subsectlon 21, paragraph (c), line 7 with regard to single-family detached duvalling, yes, the issue was that Fannle Mae and Federal Home Martgage Carparation (Fraddie Mac) glidelines prohibit a Euperphorlty llen from golng beyond six months. The thought was that a singlefarnily detached home would nor ba a condominitur. But A, B, 204 was changed to refer to the rederal regulations insteaci. Thal wald be a good changeln section $T$, subsectlon 6.

Lastly, this is more a question for perhaps Assemblyman Marthur, The intent in section 7. bubsection 7 is oven though people may say because you acqulre property at a $\overline{\text { forechosure sale, you calce free and elear of the governing }}$ clocuments, thet Is not the case. Dine the property is sold to an ounter, the unlt is subject to the gavernifg documents urtil the governlng documents afe amended, the community terminated or whatever. Subsection 7 creates a probitm because In ane sense it states what is in the law, but then In says the person would maintain the unit in accardance with the goveming documents, There ale many other oldigations under the govenjing documents. The question is urifether the intent of subsection 7 was to state what is already the casewhich probably makes IV unnecessary-ar to create a statutory duty, which wauld be a reason to keep it in and probably change it. The person is bound by the governing documents, and it cannos be removed extept in accordance with the governing documents.
| suppose a related issue ts the bill states the assoctetion has a lien. The questlon arises what is the remedy for that lient is it Just a lien that the associaton vould sue on, or is tt something that coult be foreclosed as an ansessment tlen? The beginning of the bill references following a pracedure for fines and providing that an assoclation cannot iorectase for a flie but can foreclose on an assessment. There should be some clarity in the bill as what is the remerly for the lian, whether it an be inciudet as an assessment to be Foreclosed or exactly what vould happen.

Thase were my comments. I passed same tachnital comments on to Assemblyman McArtifur and the bill drafter.

Chalr Cire:
You are voorking with Assemblyman McArchur, and we are not galng to pot this bill on for work sesslon until next weel. I note the amendment thet came our of tho Assembly made sik changes. This is a wort in progress; we want to get it

Senate Comrtultee on Judiclary
May 6,2000
Page 18
right, Mr. Buckley, if you contine tiscussions with Assemblymen McArthur, then we can get something for the voarle sessian detalling the concerns and passibie resolutions,

- Mr. Bucicler;

Happy to do sa.
ASSEMELYMAN MGCARTHDF:
Yes. I deforred a lot to Mr. Buckley in his tecinical changes, The thanges we masde before is claifying language, ant he made the blll technically and lagelly stronger.

## Flarence Jones:

I vuear many hats in thls situation. I an on a board of drectors in Uteth, and my primary home is In two homeowners' assuchations in Las Vegas. I wauld ilke to thanis the Senator irom my district, Allisan Copenlng. I appreclate the worle you and Assemblyman Marthur are dolng. Bath of you represent the area dis my prlmary home in Sun Clty Summerllh.

To the genteman wiok is concemed about having homeowner rights, the bylaws and the CCBRs glve 15 an annual meeting where horneawners have a great deal to say, The board of directors meening is for business. In the one 1 sit on, homeowners may subnth in writhg whatever they may want to have addressed and be glven a tme through this veriug under the Dpen Meeting Law slatute. Howruar, at the homeowners' annual meating, the hamedwners have a time to fransact: the business of the homearners' association. He needs to laok beck to his bylaws and flod out when his annual meeting 5 , gather his meighbors together and get whatever he viants accomplished done.

The bill as it stands is a work in progress, and I concur with the bo-day amendment that Senator Parks has suggested, I am concerned that formal mell needs to be directed to the homeowner, such as a certifled registered lettar vilth a return recelptr sa there has been proper nolice by the associatlon and we do not have peaple taking ovar.

I get to my primary reskidence ontre every sik months, but 1 heve a lighting system that cames on at dusk and gaes aff at dawn. Miy courtyard is covered wilti spinkers and I have people wha do my landscaping. I could see where thls might be misused if there are not some tight controls.

## Samate Committee on Judiclary <br> May <br> Page1日 •

There will be a workshop next. I want to relate to this Committee that one of the realtors who I participare with on my other hoard has astred me to put on the recard that there ls some lssue going on thghe now with foreclesures in the Les Vegas area whare we have attorneys wino have creared thelr ovan collection agencies. They are picking up the ball from the HOA and runing with it. When a home is put on the black for foreclosure, in oudition to assessments, huge fees maning $\$ 5,000$ to 510,000 are fow added to the prlce of the forectosed horne the realtors are dealling with. They are trying to get people into these - homes ar back onto the markel. and homes that arg a blight bach Into use. There Is a great daal of comeern among the reattors of the Las Vegas area, I do not know if this is golng on in offer areas. I am thanfoul we are having the workshop betause I have alerted the folks in Las Vegas unho are concerned. Tiney are in the pracess of e-mapling Assemblyman McArthur.

This is a great stap in geting the language and protactlan for our naighorhooris In tifls time of peaple belng forced to move on. But thase of us who are fefic hehind want to be sure our absence is not misurderstadd. Even though our hills are pald, we might not be there for long periods of time. Assemblyman Mifarihur spolke to that cleariy; same of us have more than one residence in this wonderiul time of retirement

## Chaircare:

I remind everyone chls is Assemblyman McArshur's bll and will remain 50. We will close the hearing on A.B. 367 .

Earller, when Senators Capening, VicGlnness and 1 met as a Sulscommittee, we asked Chair Dennis Neilander of the Stete Gaming Control Board abcut the amendment \%ram the Assembly for Senete Bill (5.B.) B3.

SENATE BILL B3 (2nd Reprint): Miates various changes ralating to the regulation和 gaming. (BDR 47-377)

The three of us meeting as a Subcommitree recommender wie concur with the Assembly arnendment. The amandment was in sectlon it of the bill; They had added the language on the bill saylng an helf to en interest regulated by the Gaming authortties would have one year to submit the appllatilon for compllance to get a license. The Probate Section of the Navada State Bar was concemed that under certain circumstances, one year may not be suffichant, so

# MINUTES OF THE <br> SENATE COMMITTEE ON FINANCE 

Seventy-sixth Session
June 4, 2011

The Senate Committee on Finance was called to order by Chair Steven A. Horsford at 8:24 a.m. on Saturday, June 4, 2011, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412; 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

## COMMITTEE MEMBERS PRESENT:

Senator Steven A. Horsford, Chair
Senator Sheila Leslie, Vice Chair
Senator David R. Parks
Senator Moises (Mo) Denis
Senator Dean A. Rhoads
Senator Barbara K. Cegavske
Senator Ben Kieckhefer

## GUEST LEGISLATORS PRESENT:

Senator Allison Copening, Clark County Senatorial District No. 6
Senator Michael A. Schneider, Clark County Senatorial Dlstrict No. 11

## STAFF MEMBERS PRESENT:

Rex Goodman, Principal Deputy Fiscal Analyst
Eric King, Program Analyst
Mark Krmpotic, Senate Fiscal Analyst
Wade Beavers, Committee Secretary

## OTHERS PRESENT:

Wilfiam Uffelman, Nevada Bankers Association
Garrett Gordon, Southern Highlands Homeowners Association
Bryan Gresh, Community Association Management Executive Officers, Inc.
Renny Ashleman, City of Henderson

## Senate Committee on Finance

June 4, 2011
Page 2
Chris Ferrari, Concerned Homeowners Association Members Political Action Committee
Judy Stokey, NV Energy
Steve Wiel, Nevada Representative, Southwest Energy Efficiency Project
Stacey Crowley, Director, Office of Energy, Office of the Governor; Acting Nevada Energy Commissioner
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada
Mike Draper, General Motors Company
David Goldwater, Google Inc.
Todd R. Campbell, Director of Public Policy, Clean Energy Fuels
Kyle Davis, Nevada Conservation League
Susan Fisher, City of Reno
Lesley Pittman, United Way of Southern Nevada
Dolores Hauck, United Way of Southern Nevada
Mendy Elliott, United Way of Northern Nevada and the Sierra
Dr. Michael Thompson, Child Care Association of Nevada
Carol Levins, Creative Kids Learning Center
David Walton, Regional Director, Challenger Schools
Maureen Avery, Creative Kids Learning Center
Jack Woodcock
James R. Wells, Executive Officer, Public Employees' Benefits Program
CHAIR Horsford:
I will open the hearing on Senate Bill (S.B.) 428.
SENATE BILL 428: Makes an appropriation to the State Gaming Control Board to replace computer and technology hardware. (BDR S-1243)

This bill has been discussed several times and the Committee is prepared to make a decision.

Mark Krmponc (Senate Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):
Senate Bill 428 allows for an appropriation from the General Fund to the Gaming Control Board for replacement computer and technology hardware in the amount of $\$ 1,256,104$. Staff is providing a worksheet (Exhibit C) which outlines these costs.

## Senate Committee on Finance

June 4, 2011
Page 3
Based on testimony which was provided by representatives of the Gaming Control Board, there are several options available to the Cormmittee in reducing the appropriation. This would be based on two scenarios. In the first, as described on page 1 of Exhibit C, all items purchased before or during fiscal year (FY) 2006-2007 would be replaced. Staff has worked with the Board to compile this information. By adjusting the replacement time frame, the appropriation needed for the Board would be a total of $\$ 784,758$. In comparison to the original figure, this would amount to a reduction of $\$ 471,346$ to the overall appropriation.

The second option, as described on page 2 of Exhibit C, would provide for the replacement of items which fall into the first or second priority groups, as determined by the Board. These items would have been purchased before or during FY 2006-2007, with the exception of one switch which was purchased in FY 2007-2008. This would amount to a cost of $\$ 719,957$. In comparison to the original figure, this would amount to a General Fund reduction of $\$ 536,147$.

CHAIR Horsford:
Based upon this review, and in light of the need for the identifted equipment, 1 would accept a motion to approve the second option as an amendment to S.B. 428.

SENATOR PARKS MOVED TO AMEND AND DO PASS S.B. 428.
SENATOR DENIS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford:
I will open the hearing on S.B. 425.
SENATE BILL 425: Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1264)

Senate Committee on Finance
June 4, 2011
Page 4
MR. KRMPOTIC:
Staff has provided Amendment 810 to S.B. 425 (Exhibit D). There were originally 15 or 16 separate bils which identified one-time appropriations for the Department of Motor Vehicles (DMV) from the State Highway Fund. At the request of Chair Horsford, Legal Division Staff have combined each of those individual bills and appropriations into S.B. 425. These are now listed in various sections of the bill. The collective amounts identified in S.B. 425 now total approximately $\$ 3.6$ million in State Highway Fund money. This is equivalent to what has been included in the Governor's recommended budget for one-time appropriations to DMV.

I will briefly describe various sections in the amendment. In section 1 , there is a provision for the appropriation of $\$ 102,584$ for computer hardware, software and printers. This would be made to the Director's Office of DMV, B/A 201-4744.

## PUBLIC SAFETY

MOTOR VEHICLES
DMV - Director's Office - Budget Page DMV-1 (Volume III)
Budget Account 201-4744
This was the provision which was originally included in S.B. 425. The identification of the Director's Office as the recipient of these funds has been added in the amendment to provide greater clarity about the destination and the purpose of the appropriation.

Section 2 provides for an appropriation to the Automation account, B/A 201-4715, totaling $\$ 905,210$ for replacement of computer hardware, software and printers.

DMV - Automation - Budget Page DMV-15 (Volume III)
Budget Account 201-4715
This section previously represented the appropriation which was included in S.B. 425.

Senate Committee on Finance
June 4, 2011
Page 5
Section 3 is on page 3 of Exhibit D. This is a provision for the appropriation of $\$ 49,323$ to the Central Services Division, B/A 201-4741.

DMV - Central Services - Budget Page DMV-40 (Volume III)
Budget Account 201-4741
This appropriation was previously included in S.B. 454 in the same amount. However, the receiving Division has now been specifically identified.

SENATE BILL 454: Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. (BDR S-1260)

Section 4 would make a $\$ 23,670$ appropriation for replacement office equipment in the Motor Carrier Division, B/A 201-4717.

DMV - Motor Carrier — Budget Page DMV-63 (Volume Ill)
Budget Account 201-4717
This was previously included in S.B. 455.
SENATE BILL 455: Makes an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of a vehicle and office equipment. (BDR S-1252)

The $\$ 23,670$ is a reduced amount from the original request of $\$ 47,613$, as outlined in section 4 of Exhibit D. The reduction occurred because the appropriation which was originally included in the bill included a replacement vehicle. An amendment, in addition to testimony, has been provided by DMV indicating that they are requesting to make the appropriation for the vehicles to the State Motor Pool. The State Motor Pool would administer the vehicles and DMV would pay them for the use.

This pertains to section 17 of S.B. 425, as amended, which includes the appropriation to the Motor Pool Division for the vehicles.

Section 5 pertains to an appropriation to the Compliance Enforcement Division, B/A 201-4740, totaling $\$ 174,651$ for computer hardware, software and printers.

Senate Committee on Finance
June 4, 2011
Page 6
DMV - Compliance Enforcement - Budget Page DMV-27 (Volume III)
Budget Account 201-4740
This appropriation was previously included in S.B. 456.
SENATE BILL 456; Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1259)

Section 6 identifies an appropriation of $\$ 16,516$ to the Compliance Enforcement Division for training equipment, office equipment and protective equipment. This appropriation was previously included in S.B. 457.

SENATE BILL 457: Makes an appropriation to the Department of Motor Vehicles for the replacement of vehicles and other equipment. (BDR S-1258)

In this provision, the amount requested has been reduced from a previous total of $\$ 91,837$. This is based on the appropriation of vehicles which will now be appropriated from the Motor Pool Division, as described in section 17.

Section 7 would make an appropriation to the Hearings office, B/A 201-4732, in the amount of $\$ 43,041$.

DMV - Hearings - Budget Page DMV-11 (Volume III)
Budget Account 201-4732
This appropriation was previously included in S.B. 458.
SENATE BILL 458: Makes an appropriation to the Department of Motor Vehicles for computers and other associated equipment. (BDR S-1255)

Section 8 would make an appropriation to the Field Services Division, B/A 201-4735, in the amount of $\$ 1,123,927$ for replacement computer hardware, software and printers.

DMV - Field Services - Budget Page DMV-56 (Volume III) Budget Account 201-4735

This provision was previously included in S.B. 459.

Senate Committee on Finance
June 4, 2011
Page 7
SENATE BLLL 459: Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1257)

Section 9 of the bill would make another appropriation to the Field Services Division. This appropriation would total $\$ 164,348$ for office equipment. This provision was previously included in S.B. 460.

SENATE BILL 460: Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment and a vehicle. (BDR S-1256)

This amount has been reduced from the previous request of $\$ 188,366$. This is, again, a result of the decision to appropriate the required vehicle from the Motor Pool Division, as is described in section 17.

Section 10 would appropriate $\$ 113,680$ to the Administrative Services Division, B/A 201-4745, for a replacement vehicle, forklift, mail scanners, telephones and headsets.

DMV - Administrative Services - Budget Page DMV-21 (Volume III)
Budget Account 201-4745
This provision was previously included in S.B. 461.
SENATE BILL 461: Makes an appropriation to the Department of Motor Vehicles for the replacement of a forklift, mail scanners, telephones, headsets and office equipment. (BDR S-1265)

The vehicle has not been removed from this appropriation because it is a heavy-duty specialty vehicle, It is a special pick-up truck to haul license plates to various offices throughout the State. This would not be a standard Motor Pool vehicle which could be incorporated into a leasing agreement.

Section 11 of the bill would appropriate $\$ 156,145$ to the Motor Carrier Division. This provision was previously included in S.B. 462.

SENATE BILL 462: Makes an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1253)

Senate Committee on Finance
June 4, 2011
Page 8
Section 12 would appropriate $\$ 192,285$ to the Administrative Services Division. This provision was previously included in S.B. 463.

SENATE BILL 463: Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1266)

Section 13 would appropriate $\$ 2,121$ to the Hearings Division. This provision was previously included in S.B. 464.

SENATE BILL 464: Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. (BDR S-1254)

Section 14 would appropriate $\$ 4,242$ to the Director's Office. This provision was previously included in S.B. 465.

SENATE BILL 465: Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. (BDR S-1263)

Section 15 would appropriate $\$ 41,589$ for computer hardware, software and printers. This provision was previously included in S.B. 466.

SENATE BILL 466: Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1262)

Section 16 would appropriate $\$ 345,083$ to the Central Services Division for computer hardware, software and printers. This provision was previously included in S.B. 467.

SENATE BILL 467: Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. (BDR S-1261)

In addition to combining a number of bills into one, Amendment 810 identifies the specific divisions within DMV to which the funds will be appropriated.

Senate Committee on Finance
June 4, 2011
Page 9
Chair Horsford:
The Committee will recall hearing these various bills in their original forms. I will accept a motion to pass the recommendations as they are now included in S.B. 425.

SENATOR DENIS MOVED TO AMEND AND DO PASS S.B. 425 WITH AMENDMENT 810.

SENATOR LESLIE SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford:
I will open the hearing on S.B. 473.
SENATE BILL 473: Revises provisions governing consumer affairs. (BDR 18-1190)

Senator Denis:
This bill pertains to the Consumer Affairs Division in the Department of Business and Industry, B/A 101-3811.

COMMERCE AND INDUSTRY

BUSINESS AND INDUSTRY
B\&l-Consumer Affairs - Budget Page B\&I-22 (Volume II)
Budget Account 101-3811
We are examining the possibility of eliminating the Division or suspending that action for two years. We will be keeping the poṣition of the Ombudsman of Consumer Affairs for Minorities.

Mr. Krmpotic:
The Senate Committee on Finance and the Assembly Committee on Ways and Means have voted to retain the Ombudsman for Minority Affairs position. The Consumer Affairs Division has not been retained through the budget process.

## Senate Committee on Finance

June 4, 2011
Page 10
The Ombudsman for Minority Affairs position has been included in the Director's Office for the Department of Business and Industry, B/A 101-4681.

B\&I - Business and Industry Administration - Budget Page B\&J-1 (Volume II) Budget Account 101-4681

The Department has recommended one amendment to S.B. 473. This change would delete section 3, subsection 1, which had been included to repeal the statutory provisions providing for the Ombudsman for Minority Affairs position.

## Senator Denis:

I would propose that we approve that change. Rather than eliminate the Consumer Affairs Division, I would propose adding language which would, instead, simply leave the Division unfunded for two years, as has been donepreviously. In this way, we will be able to return to the issue in the future. Consumer affairs problems are something we will need to continue to address when we have more funding available.

## CHAIR Horsford:

In other words, the Consumer Affairs Division would be suspended for two years and the decision to restore it would be made by the next Legislature.

Senator Denis:
That is correct.

SENATOR DENIS MOVED TO AMEND AND DO PASS S.B. 473.
SENATOR LESLIE SECONDED THE MOTION.

## Senator Cegavske:

What would be the fiscal impact of retaining the Ombudsman for Minority Affairs position?

Chair Horsford:
We have already closed this budget in accordance with this measure. There would be no additional fiscal impact as the budget already accounts for the position's retention. This was included in a budget amendment from the Governor's Office.

## Senate Committee on Finance

June 4, 2011
Page 11

## Mr. KRMPOTIC:

Staff would like to clarify the motion. Does the Committee wish to retain the functions of the Consumer Affairs Division while suspending those functions for two years?

## Senator Denis:

It is my intent to do something similar with this Division to what has been done with it over the past two years. It should be "mothballed" for two years.

THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford:
I will open the hearing on S.B. 485.
SENATE BLLL 485: Revises provisions governing the payment of certain expenses for the provision of care pursuant to the State Plan for Medicaid. (BDR 38-1196)

Mr. Krmpotic:
This bill would implement a previously approved budget decision which would require the counties to pay an additional portion under the State Plan for Medicaid county-match program.

This bill was heard several weeks ago. Since that time, on May 24, 2011, the Committees have revised their initial action with regard to this provision resulting in a General Fund reduction totaling \$6 million in FY 2011-2012 and $\$ 8.5$ million in FY 2012-2013.

At the original hearing, the Committee was interested in identifying, in statute, the percentages which would implement the budget reductions as has been previously noted.

Staff has received information from the Division of Health Care Financing and Policy which identifies those percentages for each fiscal year based on the budgetary actions taken by the Senate Committee on Finance and the Assembly Committee on Ways and Means. These figures included 142 percent in FY 2011-2012 and 132 percent in FY 2012-2013. Those are the federal

## Senate Committee on Finance

June 4, 2011
Page 12
benefit rate percentages for the county match expansion as it is currently proposed.

No other specific issues have been identified by the Committee on this bill. If the Committee wishes to identify those percentages in the bill, they would be included and the bill would serve to implement the budgetary decisions which have already been made.

SENATOR LESLLIE MOVED TO DO PASS S.B. 485.
SENATOR PARKS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford:
I will open the hearing on Assembly Bill (A.B.) 486.
ASSEMBLY BILL 486: Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of critical equipment. (BDR S-1246)

## MR, Krmpotic:

This bill is an appropriation to the Division of Forestry for replacement of equipment. The appropriation, as recommended by the Governor, would come from the General Fund and would total $\$ 677,344$. Certain equipment has been identified by the Division as "critical." This included a vehicle exhaust system at the Mt. Charleston fire station; a heavy-duty, tool-equipped truck, costing $\$ 97,527$; diagnostic scan tools; the purchase and equipping of two, type-3 wildland fire engines, costing $\$ 517,492$; and a multi-use tractor, costing $\$ 35,125$. This information was received from the Division at a presentation several weeks ago.

Staff has no recommended adjustments or amendments to this bill.
SENATOR RHOADS MOVED TO DO PASS S.B. 486.
SENATOR DENIS SECONDED THE MOTION.

## Senate Committee on Finance

## June 4, 2011

Page 13
THE MOTION CARRIED UNANIMOUSLY.

Chalr Horsford:
I will open the hearing on A.B. 490.
ASSEMBLY BILL 490: Makes an appropriation to the Legislative Fund for major computer projects for the Legislative Counsel BureaL. (BDR S-1240)

## MR. KRMPOTIC:

This bill would make an appropriation to the Legislative Fund. This bill has been submitted by the Legislative Counsel Bureau (LCB).

The appropriation would total $\$ 734,000$. It would fund one-time expenditures for information technology purchases, including switches and hardware, totaling $\$ 599,000$; new accounting system software, totaling $\$ 125,000$; and Granicus hardware and software, totaling $\$ 10,000$. These requested appropriations were presented by Mr. Lorne J. Malkiewich several weeks ago. He also provided testimony pertaining to the switches which were being contemplated for purchase.

Staff has no suggested adjustments or amendments for this bill.
SENATOR KIECKHEFER MOVED TO DO PASS A.B. 490.

SENATOR PARKS SECONDED THE MOTION.

## SENATOR DENIS:

I asked a question pertaining to the switches at the original hearing on this bill. That information has been provided to me and I am satisfied with the proposed purchases. I will support this motion.

THE MOTION CARRIED UNANIMOUSLY.

## Chalr Horsford:

I will open the hearing on A.B. 491.

Senate Committee on Finance
June 4, 2011
Page 14
ASSEMBLY BILL 491: Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for major repair and renovation work on certain crew carriers. (BDR S-1248)

Mr. Krmpotic:
This bill would appropriate $\$ 278,050$ to the Division of Forestry. This money would provide for the repair and renovation of 25 crew carriers, each of which have exceeded their use by 100,000 miles.

At the original hearing on this bill, the Division provided information indicating that the crew carriers range in age from 13 to 15 years. The mileage on the crew carriers ranges between 100,000 to 200,000 miles. The Division indicated that the repairs and renovations would allow the vehicles to be kept on the road for an additional three to four years.

Staff has no recommended adjustments or amendments to this appropriation.
SENATOR RHOADS MOVED TO DO PASS A.B. 491.
SENATOR LESLIE SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

## Chalr Horsford:

I will open the hearing on A.B. 492.
ASSEMBLY BILL 492: Makes appropriations to the Legislative Fund for dues to national organizations. (BDR S-1239)

Mr. Krmpotic:
This bill would make appropriations to the Legislative Fund for dues to national organizations. This item was submitteci by LCB. The appropriation would total $\$ 349,446$.

When Mr. Malkiewich presented this bill to the Committee, he provided supplemental information on the organizations which will be included in the payments. They include the National Conference of State Legislatures, the

## Senate Committee on Finance

June 4, 2011
Page 15
Council of State Governments, the American Legislative Exchange Council, the National Conference of Commissioners on Uniform State Laws, the Education Commission of the States and the Interstate Commission on Educational Opportunities for Military Children.

There is an additional appropriation, as included in section 2 of the bill, of $\$ 711,066$, which would provide $\$ 355,083$ in FY 2011-2012 and $\$ 355,983$ in FY 2012-2013 for dues to the aforementioned organizations.

Staff has no recommended amendments or adjustments to this appropriation.
SENATOR RHOADS MOVED TO DO PASS A.B. 492.
SENATOR DENIS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

## Chair Horsford:

I will open the hearing on A,B. 493.
ASSEMBLY BILL 493: Provides a temporary waiver from certain minimum expenditure requirements for school districts, charter schools and university schools for profoundly gifted pupils. (BDR S-1179)

Mr. Krmpotic:
This is a budget implementation bill. It would provide a temporary waiver from certain minimum expenditures for school districts, charter schools and university schools for profoundly gifted pupils. The waiver would apply throughout the upcoming biennium.

Under section 1 of the bill, each school district is not required to comply with the provisions governing the minimum amount of money that must be expended during each school year of the biennium for library books, computer software and instruction-related equipment as prescribed pursuant to Nevada Revised Statute (NRS) 387.207.

Senate Committee on Finance
June 4, 2011
Page 16
The waiver from the purchase of textbooks was granted for the current fiscal year during the Twenty-sixth Special Session of the Legislature to allow the school districts to address the budgetary reductions that were being implemented.

Staff has no additional information or suggested modifications to this legislation.
SENATOR LESLIE MOVED TO DO PASS A.B. 493.
SENATOR PARKS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

## Chalr Horsford:

I will open the hearing on A.B. 495.
ASSEMBLY BILL 495: Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for necessary services and equipment to transition the State's Very High Frequency radio system from wideband to narrowband in accordance with the Federal Communications Commission mandate. (BDR S-1247)

Mr. Kpmpotic:
This bill is the third, and last, appropriation bill for the Division of Forestry. It would appropriate $\$ 162,267$ for services and equipment necessary to the transfer of the State's high-frequency radio systern from wideband to narrowband. This will allow the Division to meet mandates put forward by the Federal Communications Commission.

The bill includes $\$ 5,400$ for programming costs, $\$ 53,918$ for 9 new mountaintop repeaters and $\$ 102,949$ for 26 new radio consoles which will replace those in stations and at the Elko Dispatch Center which cannot be upgraded to meet the new requirement.

Staff has no recommended adjustments or amendments to this bill.

Senate Committee on Finance
June 4, 2011
Page 17
SENATOR PARKS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Chair Horsford:
I will open the hearing on S.B. 265.
SENATE BILL 265 (1st Reprint): Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. (BDR 14-311)

Senator David R. Parks (Clark County Senatorial District No. 7):
Senate Bill 265 provides for the aggregation of consecutive sentences for inmates. Under current processes, an inmate may be eligible for a parole hearing on a lesser charge shortly after entering prison, even though they would not be eligible for release for decades to come. The current process places a burden on the Board of Parole Commissioners and, especially, the victims of crime. By aggregating consecutive sentences, an inmate will not receive his or her first parole hearing until he or she has served the minimum time from the total of all consecutive sentences.

In Nevada's prison system, between 10 and 20 percent of inmates are serving consecutive sentences. An example would be an inmate who serves one year in a county jail prior to being found guilty of three charges of burglary, assault and second-degree murder. The burglary charge would elicit a one-year to five-year sentence. Therefore, the inmate would become eligible for a parole hearing on the burglary charge immediately after entering prison. Senate Bill 265 would add the minimum of all three sentences. The first parole hearing would take place only after a total minimum time had been served.

This bill will have several easily identifiable effects. The first would be that victims would not become revictimized by being forced to attend a parole hearing within several years of the crime.

Second, there is often confusion among inmates in trying to understand how to proceed toward parole hearings. This will streamline the process. Inmates will

Senate Committee on Finance
June 4, 2011
Page 18
know, upon entry into prison, what the minimum amount of time for all charges will be before they can receive a parole hearing.

This legislation would become effective after July 1, 2012.
In our previous hearing on this bill, the Department of Corrections indicated that they would have to revamp their NOTIS system for parole hearings. They estimated the cost of this to be approximately $\$ 100,000$. I do not know whether they have refined that estimate. It was indicated that they would work with a consultant to revise that figure.

There are no further amendments proposed for this bili.
CHAIR HORSFORD:
With the bill explanation, there is no reason for us to hold this bill. I will accept a motion to do pass S.B. 265 as amended.

SENATOR LESLIE MOVED TO DO PASS S.B. 265 AS AMENDED.
SENATOR DENIS SECONDED THE MOTION.
THE MOTION CARRIED. (SENATORS CEGAVSKE AND KIECKHEFER VOTED NO.)

## CHAIR HORSFORD:

There is no one here from the Attorney General's Office to testify on S.B. 72. 1 have not been informed of the final outcome of the negotiations on the fiscal impact of that bill. I will not hear that bill today unless someone wishes to testify on that issue.

SENATE BLLL 72 (1st Reprint): Revises provisions governing the assignment of certain criminal offenders to residential confinement. (BDR 16-120)

I will open the hearing on S.B. 174.
SENATE BILL 174 (1st Reprint): Revises provisions relating to common-interest communities. (BDR 10-105)

## Senate Committee on Finance

June 4, 2011
Page 19
Senator Allison Copening (Clark County Senatorial District No. 6):
I will present S.B. 174. An outline of my testimony has been submitted to Staff (Exhibit E). A copy of proposed Amendment No. 7336 has also been included (Exhibit F). This bill is an omnibus homeowners' association (HOA) bill which has been vetted by two different working groups. The second of these was led by Assemblyman Willam Horne with participation by Assemblyman James Ohrenschall.

Stakeholder positions considered at the meeting included HOA industry professionals, including those from the Howard Hughes Corporation in the Southern Highlands Golf Club and Community, legal aid centers from northern and southern Nevada, realtors, investors, bankers and homeowners.

The goal of S.B. 174 is primarily to put a collection policy in place whereby hard caps will be enforced on the amount of fees which can be charged to homeowners who stop paying their assessments. Regulations are currently in place, but this collection pollicy would be more restrictive of collection costs than is provided in current regulations.

The collection policy can be found in section 3.5, page 11 of the proposed amendment. An overview handout has been provided to Staff (Exhibit G) outlining the difference between the proposals and current regulation.

The bill provides a $\$ 1,500$ cap on collection services. Current regulations allow a cap of $\$ 1,950$. This legislation would create a $\$ 1,000$ cap on third-party hard costs charged to a unit owner. The current regulation has no cap. This legislation has a $\$ 600$ cap on collection services related to a fine. Current law has no cap.

This bill also includes a cap on collection services, not including attorney fees, which might be incurred by an association because a unit owner has filed for bankruptcy or when an action has been filed pertaining to the related enforcement of a past-due obligation when attorney fees are authorized by the governing documents of the association. Current law has no cap in this area.

This bill provides a nine-month super-priority for collection costs and reasonable attorney fees on past-due obligations. Current law provides for an exemption of Fannie Mae and Freddie Mac in this particular situation.

## Senate Committee on Finance

June 4, 2011
Page 20
This bill also requires mandatory payment plans for homeowners in default. This is an important issue. This was an important provision for the representatives of the legal aid centers. They wanted to make sure that homeowners in default are offered payment plans before liens are applied to their homes.

This policy is important because some collection companies have been charging substantial fees to collect on the delinquent accounts of HOA unit owners. This negatively affects the person who might buy the foreclosed home. It makes it more difficult for realtors to sell homes. It negatively affects the profits of investors who buy the home to resell.

It also affects those homeowners in default who may be trying to make their accounts current before foreclosure.

The policy also clarifies that an HOA will be the first to be paid back when a foreclosure occurs on a home. This is otherwise known as a "super-priority lien." This includes up to nine months of back-assessments and costs incurred by HOAs for attempting to collect the delinquent assessment. This has been the practice of the banking industry for years, but the current language in statute is not sufficiently specific and it has been challenged. Despite the challenges, judges in three separate district court cases have concluded that collection costs and reasonable attorney fees for unpaid HOA assessments are included in super-priority liens. The language in S.B. 174 clarifies this.

The bill also includes elements of A.B. 448, per an agreement made with the Chair of the Assembly Committee on Judiciary, Assemblyman William Horne. Assembly Bill 448 did not make it to the Senate before the second house passage deadine, but it had some homeowner protections which we believe should be included in S.B. 174.

ASSEMBLY BILL 448 (1st Reprint): Revises provisions relating to real property. (BDR 10-513)

I have received notification from representatives of certain HOAs who have continuing issues with certain sections of the bill. We will work with them to resolve those problems.

The bill includes provisions for a study to be performed by LCB on HOA-related bills to determine whether an interim Legislative committee should be

## Senate Committee on Finance

June 4, 2011
Page 21
established to vet HOA issues and bring forward committee bills. Some legislators feel that too much time is spent vetting conflicting HOA bills, requiring an excessive expenditure of staffing hours. One staff member, in particular, has told me that he spends 50 percent of his time in the interim working on nothing but HOA bills. This represents a significant cost to the State. The study will allow us to determine the necessity of a statutory interim committee.

The collection policy in this bill is designed to help homeowners, but it is also designed to help keep HOAs solvent. I am aware of two HOAs which have gone bankrupt resulting from a high number of homeowners who do not pay their assessments. Almost all of the HOAs are suffering from the results of foreclosures, and many of them are in dire financial straits. Some HOAs are borrowing money against the reserve funds in order to continue operation. This may quickly become a serious problem. According to guidelines established by Fannie Mae and the U.S. Department of Housing and Urban Development (HUD), it is a requirement that the reserves of an HOA be adequately funded. To the extent that the HOAs are borrowing against these reserves, they may already be out of compliance with those guidelines. The housing data in Nevada indicates that 49 percent of all homes purchased in the month of March were financed through the Federal Housing Administration. Future loans are at risk if we do not ensure that these HOAs stay solvent.

Currently, other HOAs are raising monthly assessments or levying special assessments in order to pay their bills. We must find a way to keep these HOAs financially sound.

The HOAs are currently made whole when the home is foreclosed upon and lending institutions have paid collection costs and other fees as the first lien holder, otherwise known as super-priority. Recently, there has been some misinformation disseminated by an investor group called the Concerned Homeowner Association Members Political Action Committee (CHAMP). They have stated that S.B. 174 may negatively affect Fannie Mae and Freddie Mac financing for our State if the HOA is paid in the super-priority lien category. This is false. Fannie Mae and Freddie Mac have absolutely nothing to do with this bill and this fact has been confirmed by Mr. Bill Uffelman of the Nevada Bankers Association. Mr. Uffelman has confirmed that Fannie Mae and Freddie Mac have always reimbursed the first security lien holder up to six months of assessments only, per federal regulations, even though current Nevada statute allows for an

## Senate Committee on Finance

June 4, 2011
Page 22
association to collect up to nine months of back-assessments. This pay schedule will remain the same under this bill, as Fannie Mae and Freddie Mac have a specific carveout in our current statutes. This carveout language can be found on page 36 of Amendment 7336, lines 37 through 45 and it continues on page 37, lines 1 through 4.

When a bank forecloses, the super-priority letter from an HOA, asking for up to nine months of the assessments and collection costs for the association, goes to the first security lien holder. The lender complies and then pays the association. The lender then turns to Fannie Mae and Freddie Mac and requests reimbursement for the six months of assessments and collection costs. This is allowable per federal regulations. Fannie Mae and Freddie Mac have always paid these claims. The lender pays for the other three months of assessments and collection costs. The association never deals directly with Fannie Mae and Freddie Mac, and, under S.B. 174, nothing about this process will change. Federal law always trumps State and local law. Mr. Uffelman has confirmed that Fannie Mae and Freddie Mac would continue to pay only the six months of assessment and collection costs, and this bill would not affect the process.

It bears repeating, however, that if HOAs are forced to dip into reserves to make up for delinquent accounts and they are not the first to be made whole at foreclosure, we will most certainly see an issue arise from loans being denied by HUD.

Senate Bill 174 heips many different demographics and entities, including homeowners who are delinquent in paying their HOA assessments, realtors who are trying to sell foreclosed homes to clients, investors who are buying foreclosed homes, first-time home buyers, the banking industry, clients of legal aid who are struggling financially, HOAs which are struggling financially and homeowners who must contribute financially to keep the HOAs solvent.

I would like to refer to an article (Exhibit H) by Hubble Smith in the Las Vegas Review-Journal. It was published yesterday. It shows the favorability of S.B. 174. It is important to note that the author interviewed real estate agent Rutt Premsrirut, who is a leader in CHAMP. Mr. Premsrirut feels lawmakers should limit the abilities of HOAs to foreclose upon property owners because of unpaid dues and assessments. We have done that with this bill. The legislation would require the offering of mandatory payment plans for homeowners in default.

## Senate Committee on Finance

June 4, 2011
Page 23
Mr. Premsrirut went on to say that a measure which was passed in North Carolina would require dues or assessments to remain unpaid for 90 days before an association could begin foreclosure action against a property owner. In this bill, we have actually made that requirement stronger and proposed that the time frame be 120 days.

Mr. Premsrirut declares that the North Carolina statute would require the HOAs' executive board to vote to begin any foreclosure proceedings against an owner. This has also been included in S.B. 174. The HOA executive boards in Nevada would also be required to meet before taking any action on a foreclosure.

We have addressed all of the issues which have been raised by investors. We have also addressed an issue which was raised by the City of Henderson. The members have received an e-mail from Renny Ashleman, a representative of the City of Henderson, expressing concerns about language in section 6 requiring that a government agency which owned a security wall would be responsible for its repair. We have agreed to remove the term "government entity" in section 6 of the bill. This should satisfy the concerns of the representative from Henderson.

Chair Horsford:
We have received letters from the Federal Housing Finance Agency (Exhibit 1) and the Howard Hughes Corporation (Exhibit J) and Robert A. Massi (Exhibit K) which will become part of the public record.

Willam Uffelman (Nevada Bankers Association):
1 will verify Senator Copening's statements on my behalf. She has truly stated what is, to my understanding, the position of the federal home loan agencies relative to the payment of six months of back-assessment of HOA fees.

The aim of the banks, throughout the drafting of this bill, has been to control costs. During the 2009 Legislative Session, the process we thought to implement was derailed. This bill, with the limitations and caps that it has included, will be an important factor in the banks' calculations relative to foreclosures. The caps on attorney fees, relative to the limitations on the fees on which attorney fees can be claimed and awarded, will also push down some of theses costs.

Senate Committee on Finance
June 4, 2011
Page 24
Banks finance the HOAs. In 2009, I discovered that one of my members was doing this, and they were supportive of a bill that the rest of the industry was opposed to. We have been hurt by the foreclosures because of the problems associated with bad loans. We have been hurt by the costs associated with delinquency. We are hurt when the HOAs who bank with us do not have the ability to do their job. If we could get these problems resolved, it would be a step forward for the State of Nevada.

GARRETT GORDON (Southern Highlands Homeowners Association):
1 will speak as a representative of the Southern Highlands Homeowners Association, Southern Highlands Management Company and Olympia Companies LLC in support of this bill.

I would like to stress three important points. The first is that this bill represents a compromise. I have worked on approximately 20 HOA bills during the 2011 Session. In each instance, we have pulled out the collection aspect, as it has proven to be highly controversial. Since February 2011, we have spent a significant amount of time with members of the affected industry in developing a compromise. Last Friday, the Chair of the Assembly Committee on Judiciary, Assemblyman William Horne, and Assemblyman James Ohrenschall met with Jon Sasser from the Legal Aid Center of Southern Nevada, myself and several other industry representatives in order to develop a fair compromise which benefits, not only industry, but homeowners and the State.

Second, this proposal offers benefits over existing law. Current law caps collection fees at $\$ 1,950$. There is no cap on hard costs or attorney fees. This law would cap collection costs relative to past due assessments at $\$ 1,500$. It would place a hard cap on costs at $\$ 1,000$. It would also significantly limit attorney fees.

Third, I would like to stress the importance of the super-priority provision. In the nine month-priority, it will include attorney fees and collection costs. We compromised by agreeing to this solong as the hard caps are in place.

This bill will have an impact on each of the stakeholder groups. Many HOAs are bordering on bankruptcy and are considering raising assessments for all members who are able to pay the assessments on time in response to delinquencies on the part of other unit holders. This bill will provide certainty for

## Senate Committee on Finance

June 4, 2011
Page 25
the industry pertaining to what collection costs can be incurred. This will also prevent increases in assessment rates for the dues-paying owners.

Collection companies have sometimes been known to charge egregious fees. This will cap those rates. In current law, only service fees are capped. This bill will cap hard costs and attorney fees.

We work closely with Jon Sasser from the Legal Aid Center of Southern Nevada. His interest was in attempting to delay some of these actions and implement payment plans. We have pushed back the ability of HOAs to file liens. We are tying to work with the homeowners to allow them to get back on their feet. The payment plan provision will be mandatory. The HOA must accept the payment plan in order to work out the problem with the Legal Aid Center.

Bryan Gresh (Community Association Management Executive Officers, Inc.):
I will speak as a representative of Community Association Management Executive Officers, Inc. We represent approximately 450,000 homes throughout northern and southern Nevada.

This bill is not perfect, but it is a great step from where we have been.

## Renny Ashleman (City of Henderson):

I am speaking as a representative of the City of Henderson. The City of Henderson, contrary to the testimony of Senator Copening, did not agree to be satisfied by the removal of the term "government entity" from section 6 of the bill. It is our position that section 6 should be removed entirely. This provision would change existing law. Under current statute, HOAs are responsible for the exterior walls of a community. These can pose a danger. Sometimes the exteriors crumble and could cause harm. They are a problem in combating urban blight. It is difficult to get these fixed when each homeowner must be assessed for the damages. Nearly 25 percent of the homeowners are in foreclosure. We much prefer keeping existing law and have HOAs be responsible for repairs of the exterior walls.

I have had conversations with representatives of the industry. Representatives of the Southern Highlands Homeowners Association agree to the elimination of section 6 . I would respectfully propose that an amendment be made to that effect.

## Senate Committee on Finance

June 4, 2011
Page 26
CHAIR HORSFORD:
This issue is over the maintenance of exterior community walls. If an HOA is unable, due to a lack of reserves, to maintain the wall, does the government entity not have responsibility for maintaining it, under other local ordinances?

## Mr. AsHLEMAN:

We do not have any legal responsibility to that effect. In some instances, we have assisted to ensure that the safety issues were taken care of. This has been done voluntarily. We believe it is far more likely that an HOA will be able to handle the situation than an individual homeowner. Section 6 recommends transferring the responsibility for the maintenance to the individual homeowners.

MR. GORDON:
If this bill is able to move forward, we would be willing to pull more parts out of section 6. We will continue to work to make Mr. Ashleman and his clients more comfortable.

Mr. ASHLEMAN:
I would far prefer to have section 6 taken out entirely. I continue to ask that the Committee remove that section.

CHRIS FERRARI (Concerned Homeowners Association Members Political Action Committee):
I am speaking as a representative of CHAMP.
No matter what is allowed through statute, an HOA will never receive more than nine months of past-due assessments. If a lien is $\$ 6,000$ to $\$ 8,000$, and the HOA assessment is $\$ 50$ a month, the most that the HOA will ever receive is $\$ 450$.

In our view, this bill is not a compromise in any way. On the Assembly side, we were not invited to participate in any meetings on this bill in any capacity. I would also note that several other parties were excluded, including homeowners themselves.

The current practice of collection is under great scrutiny as it pertains to HOAs. This bill would create an approximate $\$ 3,600$ cap. I will not debate the merit of the cap, but I would like to address the overall policy of the bill.

## Senate Committee on Finance

June 4, 2011
Page 27
This bill will charge people $\$ 100$ to enter into a repayment plan. If they are not able to pay the dues, this will likely present an issue. Additionally, section 15.3 sets a very low standard for initiating foreclosure processes which are either six months or $\$ 500$ overdue. An executive board, usually consisting of two or three people, can make that ultimate decision on whether or not someone will go into foreclosure.

I would like to reference Exhibit I. There are proponents of this bill here today from the collection and management side. There are also opponents and third-parties. The impact of this bill is much larger than any one stakeholder. There will be a significant impact on our State as it pertains to financing. The letter contained in Exhibit I was sent to the Governor's legal counsel from the Federal Housing Finance Agency which is the overseeing agency for Fannie Mae and Freddie Mac. The letter was composed by the Agency's general legal counsel, Mr. Alfred M. Pollard. He provides assistance in matters relating to the Agency's relations with states, other government agencies and the White House. He is highly credentialed.

In Exhibit I, he states his concerns about S.B. 174. I. would ask the Committee to consider those concerns and how S.B. 174 might negatively impact lending in our State. Prior to passing this legislation, I would suggest that approval be sought from the federal government to ensure that the bill does not have a negative impact on the real estate market in Nevada.

Chalr Horsford:
Does anyone have a copy of the federal codes pertaining to these provisions? Federal law always trumps state and local law. The provisions of the bill are meaningless if they will be contradicted by federal law. I would like copies of the federal codes which pertain to this issue.

Mr. Ferrard:
I will be happy to get that information for the Committee. Our concern is broader in that we do not want to jeopardize lending in the State.

CHAIR HORSFORD:
If federal law says that it cannot, then it will not.
1 will close the hearing on S.B. 174 and hold the bill. I would like to get an answer to my question before we take action.

## Senate Committee on Finance

June 4, 2011
Page 28
I will open the hearing on S.B. 313.
SENATE BILL 313 (1st Reprint): Revises certain provisions relating to energy. (BDR 58-236)

Senator Michael A. Schneider (Clark County Senatorial District No. 11):
An agreement has been reached on this bill with NV Energy and the Southwest Energy Efficiency Project (SWEEP). This bill is ready to proceed.

Judy Stokey (NV Energy):
I will speak as a representative of NV Energy. I will only address one part of S.B. 313.

We are neutral on the bill, but we are very concerned with the language in section 3, subsection 5, in which the language reads that the Nevada Energy Commission shall give preference to measures and sources of supply. We are concerned that this might lead to higher customer rates in giving preference to what might be a more expensive option. The new language proposed would Indicate that the Commission shall consider all practical measures and sources of supply, eliminating the requirement that the Commission give any kind of preference.

Steve Wiel (Nevada Representative, Southwest Energy Efficiency Project):
I will speak as the Nevada representative of SWEEP.
In discussions with Ms. Stokey, we have agreed on the language as it has been proposed. The purpose is to change the term "may" to "shall" in section 3, subsection 5. The language which has subsequently been proposed by Ms. Stokey captures the essence of what we seek to accomplish. We simply want all of the practical economic and environmental options to be available to the State.

Section 1 of the bill establishes regulations for appliance standards. These regulations will essentially stimulate the market and then allow the free market to find ways to make various appliances more efficient. These would only be the appliances which are not already regulated by the federal government. The federal government extensively reguiates certain appliances, but not all of them, and many states have found it beneficial to provide additional standards.

Senate Committee on Finance
June 4, 2011
Page 29
The fiscal note shows that there will be an investment of $\$ 60,000$ a year for the regulations. That investment will result in tens of millions of dollars of benefit to the Nevada economy.

The fiscal note from the Public Utilities Commission on the later portions of the bill goes away with the deletions that have been made. Also, section 3 has no fiscal impact.

## SENATOR KIECKHEFER:

Do we have a copy of an amendment avaliable?
Chair Horsford:
It has been described by Ms. Stokey.
Stacy Crowley (Director, Office of Energy, Office of the Governor; Acting Nevada Energy Commissioner):
We submitted a fiscal note on this bill. That estimate is probably higher than what the actual cost will be. We will be able to draw resources from other states. It will take some money and time to implement this legislation, but we do not know how much.

## Senator Schneider:

States like California already have these types of standards, and we can adopt most of the language and testing from them. For this reason, the fiscal note should end up being reduced substantially.

Chat Horsford:
I would like someone to repeat the proposed amendment.
Mr. Wiel:
In section 3, subsection 5 of the bill, the language would substitute the words "consider all practical" for the words "give preference to the."

Senator Cegavske:
How will this legislation affect the consumers? Will the costs be passed on to them?

## Senate Committee on Finance

June 4, 2011
Page 30
Mr. Wiel:
There are two aspects to the costs. The cost of the regulations come out of the General Fund. When the standards are put in place, they will only be adopted if they are cost effective for the consumer. The consumer may have to pay an increased cost for the purchase price, but they would more than recover that additional cost in energy savings over time. In the experience gleaned from use of the federal standards, these types of standards sometimes result in increased costs and other times they do not. It depends on the type of appliance.

## Senator Schneider:

The greatest savings to Nevada will come in another form. There are companies in California and other states who have enacted these standards. When one of these companies, Sears or Costco, for example, handles appliances, they will dump their less efficient appliances in a state like Nevada. Our consumers are then purchasing highly energy-inefficient products. We will sit as an easy market for out-of-date equipment. As a developer, I frequently see this problem with air conditioning units.

SENATOR LESLIE MOVED TO AMEND AND DO PASS S.B. 313.

## SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND KIECKHEFER VOTED NO.)

## Chair Horsford:

I will open the hearing on S.B. 336 .
SENATE BHLL 336: Revises certain provisions relating to prescription drugs. (BDR 40-234)

Senator Schneider:
This bill is on the topic of medical marijuana. A copy of proposed Amendment 7212 has been provided (Exhibit L).

I have also provided a copy of an Associated Press article discussing recent findings which suggest that the global war on drugs has failed (Exhibit M).

Senate Committee on Finance
June 4, 2011
Page 31
Former United Nations Secretary General Kofi Annan headed up a committee including former White House Cabinet Secretary George P. Schultz. That committee issued a statement concerning the global problem with drugs. Their findings pertain to the issues addressed in S.B. 336 .

To paraphrase the article, the commission was especially critical of the United States, saying that we must change our antidrug policies from being guided by anticrime approaches to strategies rooted in health care and human rights. The commission went on to say that they hope the United States can at least consider alternatives.

In Las Vegas, we have billboards advertising the "Doctor Reefer" enterprise. We have 67 "head shops" operating in Las Vegas selling some version of marijuana. Most of them are breaking numerous laws.

Since the availability of medical marijuana has been provided for in The Constitution of the State of Nevada, we should upgrade the system. I am suggesting that we develop a pilot project which would eliminate all of those head shops. We could designate a compounding, licensed pharmacy in Nevada to oversee all marijuana sales. That entity would be in charge of a warehouse where the marijuana would be grown under the supervision of the Nevada Department of Agriculture. The State Board of Pharmacy would oversee the entire operation and would develop regulations for the program.

I have brought forward an amendment to S.B. 336, Exhibit L. Currently, in our law, there is a $\$ 100$ tax on a gram of marijuana. If a person gets caught selling marijuana, law enforcement can place a $\$ 100$ tax on the volume in possession and, basically, take that person's property and house. In this new amendrnent, I am proposing a $\$ 1$ per-gram tax from the warehouse to the pharmacy. Currently, when people buy prescription drugs, we do not tax them.

The pharmacy will only be able to sell the drugs in carrying out the pilot program. Doctors will be required to take a class on marijuana just as they would have to take a class on oxycodone or any other prescription drug. They will have to know about marijuana and its safety concerns and the different uses for it. The Board of Medical Examiners, which oversees doctors in the State, will write the regulations, and the doctors will write the prescriptions. Marijuana will be established as a Schedule Ill drug.

Senate Committee on Finance
June 4, 2011
Page 32
Every step of the process will be tracked on the computer. We will eliminate these unsavory, underground entities which currently distribute marijuana.

I have had conversations with Daniel Bogden, United States Attorney for Nevada. He is interested in this measure and believes that it could be beneficial for the State.

The pharmacy who is selected to be the authorized distributor will have to provide the money up front to cover the cost of the program. This measure will, in actuality, save the State a significant amount of money. We are spending a great deal of resources having Las Vegas police officers bust entities like "Dr. Reefer" every week for violation of drug laws. This legislation will enable us to save a great deal of money and provide the medication to patients for whom it is necessary.

We need to monitor situations in which doctors are writing hundreds of prescriptions for marijuana every week. This would be revealed through computer records and the proper authorities would be alerted and would be able to investigate. This can all be tracked.

Rebecca Gasca (Legislative and Policy Director, American Civil Liberties Union of Nevada):
I will speak as a representative of the American Civil Liberties Union (ACLU) of Nevada.

The ACLU of Nevada has conflicting feelings about S.B. 336. The State has neglected its constitutional responsibilities for providing access to medical marijuana. We understand the complicated policy implications pertaining to this issue here and throughout the Nation. Nonetheless, some states have been proactive in moving the programs forward, and it is time that the State of Nevada does the same.

There are serious fiscal concerns with leaving the law as it is currently written. Patients are currently unable to purchase their medication. They cannot pay a caregiver to grow the medication for them. As a result, we are seeing underground "grow houses" spring up around the State because patients have. no other options. The existence of these operations, and those like "Dr. Reefer" in Las Vegas, is a result of the neglect of the State to provide adequate planning on this issue. Money is being wasted for law enforcement efforts. There is also

Senate Committee on Finance
June 4, 2011
Page 33
a constitutional issue in the way the State currently shares patients' private medical information with other governmental entities.

These are not the only issues, but we believe that it is time for the State to take responsibility for its lack of responsiveness to this constitutional mandate which was supported by voters ten years ago. We should be ready to move forward with a program which can help provide better access for patients and address the fiscal problems associated with the holes in cument statute.

## Senator Schneder:

I want to follow up Ms. Gasca's point about the inability of patients to acquire their medication. I have a friend who has severe migraine headaches. He tried everything that was available to ease the pain. He asked his doctor about the possibility of treating the pain with marijuana. His doctor said that it might help, but he could not write a prescription.

My friend's wife was forced to go out on the streets of Las Vegas to get him some marijuana. She risked being charged with a felony so that her husband could try a new type of treatment.

CHAIR HORSFORD:
I will close the hearing on S.B. 336 and bring forward S.B. 371.
SENATE BILL 371: Makes various changes concerning the protection of children. (BDR 38-3)

Amendment 7369 (Exhibit N) has been provided for S.B. 371. I will accept a motion to pass the bill with the recommended amendment.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 371 WITH AMENDMENT 7369.

SENATOR LESLIE SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Senate Committee on Finance
June 4, 2011
Page 34
Chair Horsford:
I will open the hearing on A.B. 511.
ASSEMBLY BILL 511 (2nd Reprint): Revises certain provisions governing transportation. (BDR 43-1109)

MIKE DRAPER (General Motors Company):
I will speak as a representative of the General Motors Company.
This bill is an advanced technology bill which will help place Nevada at the forefront of modern "green" vehicle technologies.

The bill can be separated into two distinct parts. I am here today to discuss section 6 and section 7, along with the proposed amendment (Exhibit O).

Both at a local and State level, Nevada has made a strong commitment to being a worldwide leader in both the development and production of the newest technology promoting "green" energy and alternative fuels. It is imperative that we continue to encourage and promote the adoption of newer and cleaner technology sources wherever possible. In this year's State of the Union Address, President Barack Obama called for one million electric vehicles to be on the road by 2015. This is an ambitious, but worthwhile, goal.

Sharing similar visions, local, State and federal agencies around the Nation are working hard to lay a foundation for cleaner vehicle technologies. Assembly Bill 511 aims to begin that process. It is designed to encourage and promote the use of electric vehicles in Nevada.

Currently, all but two states, Hawaii and Alaska, have, or are working on, incentives, programs, rebates and services designed to promote the use of electric vehicles. Plug-in vehicles and alternative fuel vehicles can immediately impact our dependence on foreign oil, and would have a significant impact on air poliution. In order to fully realize this potential, it will take a coordinated and comprehensive strategy to lay the foundation for these new, advanced vehicle technologies.

Sections 6 and 7 of A.B. 511 essentially establish an electric vehicle parking program which would allow participating drivers of qualified electric vehicles to park for free in publically owned, pay-for-parking facilities such as meters,

Senate Committee on Finance
June 4, 2011
Page 35
garages and surface lots. It is imperative that we begin to implement a statewide policy which will embrace and encourage these types of fuels and technologies. The concept for this parking program was originally to be administered through DMV, and would have granted free parking at all applicable facilities throughout the State.

With the help and input of DMV and several municipalities throughout the State, it was determined that the program would be better administered and less disruptive if it was administered at the local level, where local municipalities would have the freedom to structure it as they see fit based on the original criteria outlined in this bill. The municipalities would be allowed the option of charging an administrative fee to participants of up to, but no more than, $\$ 10$ annually to cover costs associated with administering and marketing the program. If a municipality decided to charge an administrative fee for participation, it would be essentially like purchasing a parking pass for electric vehicles. The municipalities would not be required to charge that administrative fee, and if they did, the measure would need to be voted on and approved by the relevant county commissioner or city council.

The program would sunset after six years. Participating vehicles would have to adhere to all standard rules and procedures currently governing paid parking areas, including time llmits and overnight parking rules.

Further designated special event parking would also be exempt from this provision. The program would not apply to airport parking areas, and it is not intended to supersede any current contracts which the municipalities might already have in place.

Similar versions of this program are used across the country, including major metropolitan areas including Cincinnati, Los Angeles and Salt Lake City. Information on the program in Salt Lake City (Exhibit P) and Cincinnati (Exhibit Q) has been submitted.

Assembly Bill 511 provides a purchase incentive from 2012 to 2018 for electric vehicles. Early adoption of this new technology would be rewarded with free parking in our more congested urban areas. Programs like this can help make. the jump from niche market to mass market for these vehicles. The program could also be used as a marketing and promotional tool in supporting our State's commitment to being "green." This is one more step for us to take toward being

## Senate Committee on Finance

June 4, 2011
Page 36
a worldwide leader in the use and development of renewable and alternative energy services.

I would like to propose a brief amendment to the bill. In our work with other stakeholders, we have decided to include vehicles other than electric vehicles in section 6. This would include certain alternative fuels, such as compressed natural gas, hydrogen and propane. This amendment was vetted through all of the local municipalities which originally signed off on the bill, and it has their support. This would still only apply to vehicles which run on clean energy. In both sections 6 and 7, we replaced every instance of the term "plug-in electric vehicle," with the term "qualified alternative-fuel vehicle." The vehicles must meet the U.S. Environmental Protection Agency's tier 2, bin 2, exhaust emission standards. This is one of the strictest standards in the Nation.

We believe that this is a comprehensive program which could be a building block for the future as we begin to move toward this type of technology.

David Goldwater (Google, Inc.):
I will speak as a representative of Google, Inc.

There are several sections of A.B. 511 which are related to the operation of autonomous vehicles. This would be enabling legislation which would allow DMV to establish an endorsement of Nevada driver's licenses after the vehicles have been vetted for safety. A brief outline of the provisions has been provided (Exhibit R).

The vehicle, which has been developed by Google Inc., is a self-driving car which uses artificial intelligence, global positioning system, radar, lasers, cameras and internal sensors to create a three-dimensional view of the road. It can operate, virtually, on its own, without any human presence. We should all be able to imagine some of the potential for this kind of technology.

This would not be a specially manufactured car. Technology could be put into a Toyota Prius or an Audi TT. There are currently three Priuses and one Audi outfitted with the system.

We are unique, as a State, in proposing this legislation. It is extremely forward-looking. Most of the time, technology outpaces the law. In some rare

## Senate Committee on Finance

June 4, 2011
Page 37
instances, however, some states are able to get the laws in place ahead of the technology. This is what we are trying to do with A.B. 511.

The DMV would certify the safety and efficacy of this kind of technology. Having created an environment in Nevada in which this type of technology can be engineered, manufactured and developed, we will see tremendous opportunities open up. We have both the geographic and political ability in this State to be able to attract new business of this kind.

We are not asking for money, grants or tax breaks. We simply wish to allow DMV to develop regulations for this type of technology. The DMV testified in policy hearings for this bill that they are in full support. We are currently in discussions with the Director of DMV about the possibility of being highlighted in his presentation to his national convention.

In looking at pictures of the vehicle in Exhibit R the committee will notice that the only apparent unique element is the apparatus on top of the roof. This device creates a radar which generates a three-dimensional view of the road.

This is a law which will place Nevada at the forefront of developing technology. It will not be a burden or an expense for the State. The DMV will ensure the public safety of the program.

## Senator Kieckhefer:

There are already vehicles which have technology to autonomously parallel park. Would DMV be creating regulations and requiring additional certifications for drivers of those vehicles as well?

## MR. GOLDWATER:

That would not be the case. If those vehicles were allowed on public roads today, there would be no further certification required or envisioned under this bill.

## Senator Kieckhefer:

Where are those vehicles excluded in the language?

Mr. Goldwater:
Those vehicles are not autonomous vehicles, by definition. The DMV would develop a definition of the autonomous vehicle.

## Senate Committee on Finance

June 4, 2011
Page 38

## SENATOR KIECKHEFER:

The language in the bill stipulates that DMV would create regulations for a motor vehicle which uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator. is that not what happens when you push the button and the car parks itself?

Mr. Goldwater:
That function would require the use of sensors but not all of those other criteria. I do not envision it being the Committee's intent, with this bill, to require special certification for those types of vehicles.

## SENATOR KIECKHEFER:

That is certainly not the case.
TODD R. Campbell (Director of Public Policy, Clean Energy Fuels):
I will speak as a representative of Clean Energy Fuels. We distribute natural gas and transportation fuel. We also have a subsidiary. BAF Technologies, which I am also representing. This subsidiary is a qualified volume modifier for Ford Motor Company.

We are in strong support of A.B. 511 and the amendments which have been proposed. Our company recently opened our seventh natural gas station in Clark County last week. Representatives of the Governor's Office and the office of U.S. Senator Harry Reid were present at the opening. Our company plans to extend this network through the northern part of Clark County through Pilot Travel Centers LLC, with whom we contract. We see a significant opportunity for us to increase investment in this State.

Nevada business, including Bell Trans, Henderson Taxi, MGM, Whittlesea Blue Cab and even public agencies such as the Regional Transportation Commission of Southern Nevada all use natural gas to power their vehicles. By doing so, they save between \$1 and \$2 a gallon over using gasoline or diesel fuel.

This use would also displace dependence on foreign oil, on which Americans are currently spending approximately $\$ 1$ billion per day. This money goes to countries which may not be aligned with our interests.

## Senate Committee on Finance

June 4, 2011
Page 39
Use of natural gas improves regional air quality. Natural gas vehicles are some of the cleanest vehicles on the road today. The Honda Civic GX has been singled out as the cleanest car on the road for the last eight years in a row. It runs on compressed natural gas.

We also support local jobs. We have personally invested $\$ 14$ million of our capital in the State of Nevada over the past three years.

Assembly Bill 511 does not necessarily apply to these fleets, as incentives are limited to compressed natural gas vehicles which weigh less than 8,500 pounds. However, the bill does encourage Nevada residents and small businesses to purchase compressed natural gas vehicles, adding further support to existing and continued growth of the natural gas fueling infrastructure.

It should be noted that only 7,000 compressed natural gas vehicles nationwide would qualify for the provisions in A.B. 511 . There should not be a significant impact from this legislation on municipal parking situations. Furthermore, the amended language would require that manufacturers of the qualified vehicles would be original equipment manufacturers or qualified volume modifiers who are granted permission to produce those vehicles by original equipment manufacturers. Therefore, we would see warrantees and safety-minded consumer protections added through this language.

We ask for the Committee's strong support of A,B. 511 and the accompanying amendments.

Kyle Davis (Nevada Conservation League):
l am speaking as a representative of the Nevada Conservation League.
We support A.B. 511 and the proposed amendments. The environmental benefits generated by these types of technologies have been well-outlined here today. Encouraging the use of these types of vehicles will generate a significant positive effect on air quality in this State. We urge the passage of this legislation.

SUSAN FISHER (City of Reno):
I will speak as a representative of the City of Reno.

Senate Committee on Finance
June 4, 2011
Page 40
The City of Reno supports A.B. 511 and the proposed amendment. We have not submitted a fiscal note on this measure because we do not foresee any significant costs to the City.

It is consistent with City Council action to encourage the use of electric vehicles. We have been looking into providing parking and electrical charging stations in some of our public parking garages. We would be enacting an ordinance to cover the exemption for these vehicles.

On a personal level, I support the amendment to include compressed natural gas vehicles as the owner and crew chief for the world's fastest compressed natural gas vehicle. We must currently go out of State to get fuel. I look forward to having some fueling stations in northern Nevada.

Chair Horsford:
Two letters from the president of Whittlesea Blue Cab (Exhibit S) and Henderson Taxi Exhlbit T) have been submitted in support of this bill as well.

I support this concept. I had an opportunity to travel to Berlin, Germany several years ago with the Senate Presidents' Forum. The conference was on renewable energy. A great deal of focus was placed on the emerging sector of alternative fuel. The United States is far behind other countries in this regard. Cities such as Austin, Texas and San Diego, California, in particular, have initiated pilot programs to promote this type of use. Those cities have diversified their economies and moved toward the implementation of theses types of initiatives. Nevada should be positioned to take advantage of these opportunities to grow and diversify.
$I$ will accept a motion to amend and do pass A.B. 511, with the amendments as proposed.

SENATOR LESLIE MOVED TO AMEND AND DO PASS S.B. 511.
SENATOR PARKS SECONDED THE MOTION.

## Senator Cegavske:

I want to verify that there is no fiscal note for this bill.

## Senate Committee on Finance

June 4, 2011
Page 41
Mr. Draper:
Initially, DMV had submitted a fiscal note on this bill. That note was removed through amendment in the Assembly Committee on Ways and Means two weeks ago.

CHAIR HORSFORD:
I would like to receive confirmation from DMV verifying that condition.
THE MOTION CARRIED UNANIMOUSLY.

CHAIR HORSFORD:
I will open the hearing on A.B. 546.
ASSEMBLY BILL 546 (2nd Reprint): Makes various changes to provisions governing early childhood care and education. (BDR 38-739)

Lesley Pitiman (United Way of Southern Nevada):
I will speak on behalf of the United Way of Southern Nevada which represents 2,400 business and community leaders. We are in full support of A.B. 546. We want to increase the standards and quality of early childhood education throughout the State. Our children are at the prime age for learning. We want to ensure that, when our children reach kindergarten, they will be ready to learn.

Assembly Bill 546 extends the life of the Early Childhood Advisory Council. This is comprised of business representatives and early childhood education experts. We want the existence of the Council to be placed in statute and under the jurisdiction of the Department of Health and Human Services. The bill provides the responsibilities of the Council which include strengthening coordination among, and identifying barriers to, early childhood programs in the State. The language would allow them to conduct periodic statewide needs-assessments on the quality and availability of early childhood care in Nevada. They would be charged with developing recommendations for increasing participation in existing federal, State and local programs. They would work toward a statewide professional development system for early childhood teachers and assess the existing capacity and effectiveness of higher education programs in developing teachers in the field of early childhood education.

Senate Committee on Finance
June 4, 2011
Page 42
The bill also provides that the Council will work with the Department of Education to establish prekindergarten content standards and training goals for those employed in early child care. They will assist Nevada agencies in developing qualifications required of persons who conduct training in the prekindergarten content standards. They will be charged with creating or adopting a model for highly effective teachers which can be used as a statewide resource for teachers and caregivers. They will study and develop recommendations for appropriate group sizes in child care settings.

The bill requires the Department of Education to develop a training module. To the extent that money is available, that training should be made available at no cost, or reduced cost, to licensed child care facility employees. The Board for Child Care would be required to establish new regulations on training course requirements for child care facility employees. Each employee of a licensed facility would be obligated to receive 24 hours of annual training. At least 16 of those hours would be tied to Nevada's prekindergarten standards.

We believe that it is important to extend the life of the Early Childhood Advisory Council. It is a useful body which provides inclusivity among business and private operators who, together with early childhood experts, can work together to increase the quality of early childhood education.

We also believe that it is important to align the training for our early childhood educators with the existing prekindergarten standards. We should not have prekindergarten standards in Nevada unless we are providing training to them.

It is our understanding that the cost of existing training programs ranges from free online classes to an average of $\$ 12$ an hour. Similar to what was provided by S.B. No. 317 of the 75 th Session, there are free training programs available online. That previous legislation pertained to financial literacy.

Several private child care operators will testify today with objections to this bill. Our repeated efforts to reach out to them to address their concerns have, unfortunately, been unsuccessful. I will say, however, that we had a positive and productive meeting yesterday with representatives of the Early Care and Education Office of the State Division of Welfare, the Nevada Registry, Teach Nevarda and the Nevada Association for the Education for Young Children. In that meeting, we were able to address their concerns with the bill. We have pledged to work together throughout the regulatory process to ensure

Senate Committee on Finance
June 4, 2011
Page 43
that the training program's design and implementation is effective and successful for all parties.

I would like to submit a letter for the record (Exhibit U) which attests to our collaboration.

As in many other categories, Nevada ranks well below nearly every other state in the requirements and training standards of our early childhood educators. I appreciate the consideration of the Committee in enhancing those standards through this legislation.

## Senator Leslie:

Are the other organizations with whom you met yesterday now in support of this bill?

## Ms. Pittman:

Teach Early Childhood Nevada, Nevada Pre-K Standards, the Nevada Registry and the Nevada Association for the Education of Young Children are now in support of the bill. Their principal concerns were with a statutory component of the bill. We impressed upon them they will be a part of the regulatory process.

SENATOR KIECKHEFER:
In section 12 of the bill, training requirements are described. What is currently in the regulations pertaining to training in this area?

## Ms. Pittman:

My understanding is that the only current requirements for early childhood educators, at this time, is 15 hours of annual training. It is not tied to any mandated subject areas.

SEnator Kieckhefer:
Is it correct that this bill would increase that number to 24 hours, 16 of which would have to be in early childhood development?

## Ms. Pittman:

Sixteen of those hours would need to be tied to the State's established prekindergarten standards.

Senate Committee on Finance
June 4, 2011
Page 44

## Senator Kieckhefer:

It appears that the remainder of the bill relates primarily to advisory issues. Would the Council have any regulatory control or power other than helping, assisting and advising?

Ms. PITTMAN:
My understanding is that they serve as volunteers and their role is restricted to advisory council.

Senator Kieckhefer:
It appears that the only direct requirement being placed on child care providers in the bill is the training requirement.

## Ms. Pittman: <br> That is correct.

Dolores Hauck (United Way of Southern Nevada):
We have made efforts to remove the fiscal note for this bill so that we can move forward. We have been able to build consensus among the entities and key stakeholders who will be affected. A great deal of misinformation has been corrected. We look forward to working with all entities involved.

We will attempt to address the challenges in rural Nevada by going online to find Internet-based training opportunities.

To Senator Kieckhefer's question pertaining to current training regulations, I would report that currently, 15 hours are required through the approval of the Nevada Registry. They can be linked to the core knowledge areas, but they can include anything from CPR to basket-weaving to more serious types of training which could actually help the child care provider.

Mendy Elliot (United Way of Northern Nevada and the Sierra):
I am speaking as a representative of the United Way of Northern Nevada and the Sierra. Our chapter supports the United Way of Southern Nevada in their efforts to develop consistency with respect to training for prekindergarten providers and caregivers in our State. The alignment of this training will support those who are providing education to our most precious asset, our children. We recognize that there are concerns with this measure. We want to assure the

## Senate Committee on Finance

June 4, 2011
Page 45
Committee that there will be an opportunity, through the regulatory process, to work through those issues.

We support an inclusive regulatory process. Ms. Pittman has worked with Assemblyman Bobzien in reaching out to those individuals who will be impacted by A.B. 546. Assemblyman Bobzien and Ms. Pittman have worked with Dr. Keith Rheault, the Superintendant of Public Instruction, to ensure that the Department of Education is supportive of these efforts.

Senator Cegavske:
I have spoken with former Senator Ann O'Connell, who sits on a Governor's advisory board which examines the possibility of eliminating some of the councils or committees that have been formed. They recently proposed the cessation of the Nevada Early Childhood Advisory Council which was created in 2009. She wanted me to ask what the reason would be for retaining an identical council to the one which is proposed to be eliminated.

Also, concerns have been brought to me from private businesses who are concerned about the proposed additional costs to their child care centers. I have received information indicating that it now costs $\$ 169$ per year for the 15 hours of training which are now required. Under this measure, that cost could go up to $\$ 340$. On page 4 , the following language is included: "To the extent that money is available to pay for the training, the Department of Education shall arrange to have the training provided at no or reduced costs to the employees." Is that language part of the proposed amendment?

Ms. Pittman:
I will begin by addressing Senator Cegavske's first question. The Early Childhood Advisory Council, which was established by Governor Jim Gibbons, was due to expire in July. This provision would put the Council's existence into statute. I cannot speak for Governor Sandoval's administration, but I have had several conversations with representatives of his Office who have indicated that they would accept this legislation.

In answering the question about the cost of training hours, I would like to defer to Ms. Hauck.

Senate Committee on Finance
June 4, 2011
Page 46

## Ms. Hauck:

As of last night, a study was published by the Nevada Registry on these training costs for child care providers. According to this study, there can be an average cost of less than $\$ 12$ per hour for the 15 total training hours over the course of the year. Studies indicate that the majority of the monthly classes are at no cost. As a provider, one can choose to take a class with or without cost. It is up to the provider to select where, when and how the training will occur.

Money for training from the Department of Education and from the National Head Start Association would be pooled, along, with any other private dollars, to leverage and absolve any costs so that we can avoid passing them on to the community. The goal is to educate child care providers and raise the standards, not to create financial hardships.

## Senator Cegavske:

Is federal money being supplied to United Way for this purpose?

## MS. HAUCK:

No federal money is being used in developing these measures. All of the money has come from private sources and foundations.

Senator Cegavske:
Will any federal money be available for the training?

## Ms. HAUCK:

No federal money will come through United Way of Southern Nevada, but the money that will be made available for training through the National Head Start Association will come from federal sources.

## Senator Cegavske:

There will continue to be concern about the costs to the centers, particularly with the economy in its present condition. These operators have expressed concerns that they may not be able to afford these additional costs. Many of these child care providers earn minimum wage.

CHAIR HORSFORD:
What is the average cost to keep a child in day care?

## Senate Committee on Finance

June 4, 2011
Page 47
Ms. Hauck:
The cost reimbursed by the State in southern Nevada is $\$ 115$ a week for day care. This equates to $\$ 23$ a day for a three- to five-year-old child. Over the course of the year, the day care scholarship program of United Way contributes $\$ 2,990$. The parent would provide a copay on that amount.

Chalr Horsford:
I want to address this concern that somehow the fee, if there is one, of $\$ 100$ for 15 hours of training will jeopardize these child care centers when a parent typically pays, on average, $\$ 500$ to $\$ 700$ per month for one child to be enrolled. The training costs do not equate to an onerous request.

We are talking about training which costs $\$ 169$ for one year. I pay $\$ 610$ per month for my daughter to go to day care. This is not a significant burden on these providers.

Dr. Michael Thompson (Child Care Association of Nevada):
1 am speaking as a representative of the Child Care Association of Nevada. We would like to voice our strong opposition to this bill. The discussion so far has not captured the arguments that we have against this legislation.

Our opposition is not based on the training requirement. We have been strong supporters of teacher and staff development and training for many years. There are other issues at hand.

We represent small, family-run day care centers; private, small business child care centers; and corporate child care centers in schools. We represent all of these organizations in that we represent staff who care for infants as young as eight weeks old. These people teach potty training to toddlers.

We represent working parents, single mothers and fathers and grandparents who raise and care for children. These people depend on child care every day. There is universal opposition to this bill from most of the entities who have historically regulated child care. These are the entities who create staff training within the State. There is opposition from those who develop professionaldevelopment tracks for child care staff. There is even opposition. from higher education professors who teach early childhood development.

Senate Committee on Finance
June 4, 2011
Page 48
This bill makes no sense, and I will explain why. I need to describe the issues at hand because they are not easily understood from reading the language in the bill.

It makes no sense to give regulatory authority to a commitee which is due to expire on July 31. 2011. It makes no sense to allow a government takeover of child care by an unaligned Department of Education. While we have been highly regulated throughout our existence in this State, we have never been regulated by the Department of Education. The Department of Education will now be able to regulate private industry. This is a slippery slope.

It makes no sense to require 16 continuing education credits a year in prekindergarten standards for those who love and nurture infants and do not need to know prekindergarten standards. At least two out of every three staff members at our centers do not even work with prekindergarteners. These people are teaching children how to go to the bathroom. They do not need to learn prekindergarten standards.

I question the true motives of the sponsors of this bill.
Carol Levins (Creative Kids Learning Center):
1 operate the largest private chain of child care centers in Nevada, serving over 1,500 students and employing about 200 caregivers. I have been operating this business for the past 31 years.

Preschool education is not mandatory in this State. Parents have a choice as to if, and where, they place their child.

I believe in the necessity of regulations that protect the health and safety of our children. The State has done a satisfactory job in this regard. I am opposed to A.B. 546, however, because it appears to be a regulation of curriculum. The individuality of each program, as it exceeds licensing standards, should be at the discretion of the individual proprietor.

Section 5, subsection 3, paragraph (b) of the bill indicates that there should be developed a statewide, unified system for collecting data relating to early childhood programs. This language indicates reporting responsibilities of private child care organizations regarding their status and the performance of their students. We are not part of the public school system. We should not be

## Senate Committee on Finance <br> June 4, 2011 <br> Page 49

required to furnish feedback on the academic achievements of three year-old and four year-old children. These children may only attend for one month or two months before their parent loses their job and they can no fonger attend. The data would be askew.

I respectfully ask that the Committee not pass A.B. 546 as it will have a negative impact on our industry.

David Watton (Regional Director, Challenger Schools):
I am speaking as a representative of Challenger Schools in Las Vegas. We have three campuses in Las Vegas. We are a private, preschool through eighth grade institution.

I would like to voice opposition to this bill. This would have a negative impact on private providers. The provisions of this bill have not been discussed with private providers.

Maureen Avery (Creative Kids Learning Center):
I will speak as a representative of Creative Kids Learning Center. I have worked for Creative Kids Learning Center, with eight centers located throughout the Las Vegas area, for 30 years.

I am in opposition to A.B. 546 . It is not necessary to make various changes to provisions governing early childhood care and education outside of the aiready-established State licensing process. In the last ten years, the field of early childhood care has made tremendous strides in the State of Nevada. The Early Care and Education Office of the Division of Welfare and Supportive Services and the State licensing requirements have been beneficial. We have also seen benefits from the work of the Teacher Education Assistance for College and Higher Education Grant Program, the Nevada Registry, the Children's Cabinet and the Southern Nevada Health District. These entities have established a cooperative atmosphere among early childhood professionals. The nonprofit and for-profit entities have recently joined forces to revamp licensing requirements and regulations and health district regulations and have worked toward positive change and improvement. I am distressed because, after all of this cooperative effort, we are faced with additional requirements and oversight within this bill which was formulated and submitted with no input from those of us who work every day in the early child care profession.

## Senate Committee on Finance

June 4. 2011
Page 50
We work under 286 pages of regulations. We work with the State licensing agency to maintain the required standards and we feel that change and improvement, which have always been an integral part of our profession, are necessary. We ask that we be allowed to be a part of the decision making process, and we urge the Committee to vote against this bill at this time.

## Ms. Pittman:

I want to emphasize that we have reached agreement with other entities whoplay major roles in early child care. They understand that there is an inclusive process associated with the council and the regulatory process. This should help address the infant and toddler questions which have been raised.

Jack Woodcock:
I am speaking as an owner of a child care facility in Las Vegas.
Some of the commentary regarding the input of child care providers is disingenuous, at best. There has been little attempt, during the drafting of this bill, to get the consideration of those who are actively involved in early child care.

We represent child care facilities which provide a level of care exceeding every standard. We teach the basic things that children need before going to kindergarten. This curriculum is exemplary. We teach manners and the types of human relationship skills which will allow these children to get along with teachers. We adhere to the highest standards in all of these services.

I ask the Committee to vote against A.B. 546 because it goes far beyond the original intent of the bill.

Ms. Elliott:
I want to assure the Committee that, through the actions of the advisory council, people, such as Mr. Woodcock and Ms. Levins will be included in the regulatory process. We want to ensure that everyone's voice is heard. We want to have representatives of the child care industry on the council. We want to achieve consistency with the educational approach. Those facilities who already have exemplary programs in place should be included at the table because we want to hear from all of the experts in the field.

## Senate Committee on Finance

June 4, 2011
Page 51
CHAIR HORSFORD:
With the structure change in allowing the Governor to appoint the State Superintendant of Public Instruction and with the Board of Education being appointed by members of the Executive Branch and the Legislative Branch, this will provide a level of assurance, going forward, that these issues will be handled in a way that ensures all voices and constituencies will be heard.

I am hearing concern that, in leading up to the development of the provisions of this bill, people feel they were not included. The policy of the bill, however, sets up a process which includes regulatory hearings. In those hearings, each individual stakeholder would be able to voice their opinions. This would include child care providers, parents and community leaders.

I feel strongly that this is a measure which should move forward.
SENATOR LESLIE MOVED TO DO PASS A.B. 546.
SENATOR PARKS SECONDED THE MOTION.

## Senator Denis:

I agree that early child care education is important. I will vote for the bill.
I would like to note, however, that I am the Chair of the Senate Committee on Education and this is the first time I have seen this bill. No one has approached me about this legislation. I will vote for the bill to keep it moving forward, but I reserve my right to change my vote on the floor once I have more time to review the provisions.

## Senator Cegavske:

I will not support the bill unless something changes before it is brought forward for a fioor vote. I am concerned about the costs to the child care providers. The additional costs could go up to $\$ 400$ a year. This will be a burden on day care centers and the private sector. I support the mission of United Way, but I will not be supporting this bill.

THE MOTION CARRIED. (SENATORS RHOADS, CEGAVSKE AND KIECKHEFER VOTED NO.)

## Senate Committee on Finance

June 4, 2011
Page 52

## CHAIR HORSFORD:

I will open the hearing on A.B. 563.
ASSEMBLY BHL 563 (1st Reprint): Establishes for the next biennium the amount to be paid to the Public Employees. Benefits Program. for insurance for certain active and retired public officers and employees. (BDR S-1223)

James R. Wells (Executive Officer, Public Employees' Benefits Program):
1 provided all of my testimony on this issue at the hearing yesterday. 1 am available for questions.

Mr. Krmpotic:
This bill implements the State subsidies for Public Employees' Benefits Program (PEBP) participants and retirees. This bill is required to implement the budget. Information has been provided by Mr. Martin Bibb of the Retired Public Employees of Nevada on the impact to Medicare retirees in conjunction with the policy measures which have been provided this Session for PEBP.

Staff would indicate that this is a matter which could possibly be discussed during the interim with the Interim Retirement and Benefits Committee. This could be held earlier than the scheduled meeting in December 2011. Staff keeps a close watch on these issues and this issue could be brought back subsequent to the enrollment period as more information is provided on the impact to retirees.

## CHAIR HORSFORD:

With the motion on this bill we should include a letter of intent requesting that PEBP provide that information to Fiscal Staff. They would also be directed to provide twice-yearly reports to IFC.

SENATOR CEGAVSKE MOVED TO DO PASS A.B. 563; AND TO ISSUE A LETTER OF INTENT REQUIRING PEBP TO PROVIDE ADDITIONAL INFORMATION ON THE IMPACT OF THIS LEGISLATION ON RETIREES, AND TO MAKE TWICE-YEARLY REPORTS TO IFC ON THIS MEASURE.

SENATOR KIECKHEFER SECONDED THE MOTION.

## Senate Committee on Finance

June 4, 2011
Page 53

## THE MOTION CARRIED UNANIMOUSLY.

CHAIRHORSFORD:
I will now open the hearing on the budget-related bills which are proposed to be introduced.

Mr. Krmpotic:
The first proposed bill will implement the capital improvement program (CIP) for the upcoming biennium, as approved by the Senate Committee on Finance and the Assembly Committee on Ways and Means.

ERIC King (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau): summary of the various sections of Bill Draft 1 will provid Request ( $B D R$ ) S-1316 (Exhibit V).

BDR S-1316: Authorizes and provides funding for certain projects of capital improvement. (Later introduced as S.B. 504.)

Section 1 approves approximately $\$ 27.1$ million in general obligation bonds for projects which are enumerated under the same section.

Section 2 provides a reversion date of June 30, 2015, for all of those projects enumerated in section 1 .

Section 3 specifies that the State Board of Finance will issue the bonds for the 2011 Capital Improvement Projects (CIPs) when it is deemed appropriate. Section 3, subsection 2, allows the State Controller to advance General Fund money if bonds have not been sold to finance the projects approved in the 2011 CIP plan.
Section 4 approves approximately $\$ 2.4$ million in State Highway Fund dollars for projects enumerated in section 4 for the 2011 CIP .

Section 5 provides a reversion date of June 30, 2015, for the State Highway Fund money which was approved for projects in the 2011 CIP .

## Senate Committee on Finance

June 4, 2011
Page 54
Section 6 provides for reimbursements on projects funded from the Highway Fund once information has been provided which substantiates the costs for those projects.

Section 7 pertains to the reallocation of about $\$ 17.6$ million from CIP Project 09-CO2a. This was the 36 -bed hospital and adolescent care facility for Southern Nevada Child and Adolescent Services. That money will be reallocated to projects which are identified in section 7, subsection 2.

Section 8 pertains to the reallocation of money from the 2007 CIP Project 07-M48 to the 2011 CIP in order to put cameras and recording devices in Ely State Prison.

Section 9 provides the reversion date of June 30, 2015, for those two projects which were reallocated from the 2007 CIP and 2009 CIP to the 2011 CIP .

Section 10 approves approximately $\$ 4.3$ million in federal and agency money. The federal money would total approximately $\$ 2.6$ million. The agency funding would total approximately $\$ 1.8$ million. The majority of that agency funding would be for Project 11-S09, which is described as "Building Official Projects." This is authority which agencies send to the State Public Works Board for the review of their plan checks. Section 10 enumerates all of those projects which will be receiving money from sources other than the General Fund or the State Highway Fund.

Sections 11 and 12 indicate that the State Public Works Board will use only qualified personnel to execute the 2011 CIP. Section 12 indicates that agencies will cooperate with the State Public Works Board in carying out the provisions of the CIP.

Section 13 approves $\$ 490,000$ for a cultural affairs bond program.
Section 14 approves ad valorem taxes for the Question 1 (Q1) bond program and CIP. For the CIP, 15.55 cents on every $\$ 100$ of assessed valuation will be used to support the bonds that are sold for CIP. For the Q1 program, 1.45 cents on every $\$ 100$ of assessed valuation will be used to support the bonds that are sold for the Q1 program. These are the same rates as are allowed in the current biennium.

Senate Committee on Finance
June 4, 2011
Page 55
On page 12 of Exhibit $V$, section 15 indicates that the State Treasurer will make an estimation of sufficient funding and determine whether that amount exists in the Consolidated Bond Interest and Redemption Fund to pay the principal and interest on past CIP issuances as well as current issuances. If there is not enough money in the Consolidated Bond Interest and Redemption Account, they can make a request to the State Controller to reserve money in the General Fund to pay those debts.

Section 16 authorizes the State Board of Finance to pay expenses related to the issuance of general obligation bonds.

Section 17 authorizes money to pay for bonds in the Consolidated Bond Issuance and Redemption Account. This would amount to $\$ 157,663,910$ in FY 2011-2012 and $\$ 167,264,898$ in FY 2012-2013.

Section 18 indicates that, with IFC approval, the State Public Works Division of the Department of Administration and the Nevada System of Higher Education (NSHE) can transfer money from one project within the same agercy to another.

Section 19 approves $\$ 5$ million from the Special Capital Construction Fund for Higher Education for deferred maintenance.

Section 20 provides a reversion date of June 30,2015 , for that money from the Special Capital Construction Fund for Higher Education.

Section 21 through section 25 extends 16 prior-year CIP projects. The first is an extension of a 2001 CIP project, section 22 extends 2005 ClP projects, section 23 extends a 2005 CIP project and sections 24 and 25 approve 13 projects from the 2007 CIP.

Section 26 provides that this bill will become effective upon passage and approval.

CHAIR HORSFORD:
I will take a motion to introduce BDR S-1316.

Senate Committee on Finance
June 4, 2011
Page 56
SENATOR LESLIE MOVED TO INTRODUCE BDR S-1316.
SENATOR DENIS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Mr. Krmpotic:
I will now cover the proposed bill that provides for the salaries of State employees, BDR S-1317 (Exhibit W).

BDR S-1317: Provides for compensation of state employees. (Later Introduced as S.B. 505.)

Section 1 encompasses the salary levels and the titles for each of the unclassified positions for the upcoming biennium as identified for each State budget account. The salary levels have been approved by the Senate Committee on Finance and the Assembly Committee on Ways and Means and include a 2.5 percent pay reduction. This list does not include classified positions or nonclassified positions which are primarily found in the Governor's Office.

Section 2 begins on page 25 of Exhibit $W$. This section pertains to any unclassified position which may be found to have been inadvertently omitted from this act. The language allows the Department of Human Resource Management to examine the duties and responsibilities of the position and submit to IFC a recommended salary to be established for that position in the unclassified pay system. Section 2, subsection 2, provides language which allows for the correction of typographical errors by Fiscal Staff. Section 2, subsection 3, indicates that an employee occupying a position which is currently in the classifjed service but will be moved to the unclassified service, will have the option to remain in classified service until the incumbent leaves that position.

Section 3 provides for the 2.5 percent pay reduction which was approved by the Senate Committee on Finance and the Assembly Committee on Ways and Means. This will apply to all employees.

## Senate Committee on Finance

June 4, 2011
Page 57
SENATOR KIECKHEFER:
Is the 2.5 percent decrease incorporated into all of the salary levels in section 1 , even though it is provided for in section 3 ?

Mr. Krmpotic:
That is correct.
In section 3, subsection 3, it states that, except as otherwise provided in section 3 and section 4, the provisions of section 3, subsection 1, apply to all departments of State government and include the NSHE and Public Employees' Retirement System (PERS). Section 3, subsection 3, also indicates that the Board of Regents shall determine and implement the method by which the professional employees of NSHE will participate in the requirements of section 3, subsection 1. Section 3, subsection 4, exempts employees of the Department of Tourism and Cultural Affairs from the 2.5 percent pay reduction if their standard workweek is 32 hours long. Last Session, reductions were implemented for the Department of Cultural Affairs to reduce the operating hours of the museums. Therefore, the number of hours in the workweek for employees at those museums has been reduced, and they would not be exempt from this reduction.

Section 4 implements the six required days of furlough in each year for all employees in State government. The furlough reduction equates to an approximate 2.3 percent decrease in pay which, combined with a 2.5 percent pay decrease, totals an approximate 4.8 percent reduction. Section 4, subsection 2, allows the employees to continue to accumulate sick and annual leave and calculate hours toward a pay progression date or continuity of service date despite the furlough day provision.

## SENATOR KIECKHEFER:

Section 4, subsection 2, seems to indicate that furlough leave can be taken in the same manner as other types of leave. Does this mean that furlough leave could be taken in seven minute increments?

Mr. Krmpotic:
From a practical standpoint, furlough leave is granted on a scheduled basis which works with the needs of the employer. When I have seen this applied, it . is typically used in no less than hourly increments.

## Senate Committee on Finance

June 4, 2011
Page 58

## SENATOR KIECKHEFER:

Will it be ultimately left up to the departments or agencies to determine an internal policy for furlough leave?

MR. KRMPOTIC:
I do not believe that each agency sets up an internal policy. Whether the leave is taken as vacation or sick, the employees determine when they want to take that leave and it is subject to approval by the employer. In certain cases, such as with the Department of Corrections, where staffing is critical, those requests must be balanced with the desires of other employees.

Senator Denis:
Will employees be able to take their furlough all at one time? In the past, it was limited to being used once a month.

## MR. KRMPOTIC:

This language would require that the 48 hours of furlough leave be take each fiscal year. The bill is not specific as to when and how it is taken. In theory, if an employee wanted to take six consecutive days of furlough in a single month, they would be allowed to do so as long as it was agreeable to the employer from a scheduling standpoint. Nothing in the bill precludes that from happening.

Senator Denis:
Some people have talked about the furlough leave as a problem in the past. This could be a good thing for employers. If they have a slow period in the workload. they could allow employees to take care of their furiough requirements in larger or smaller groups, depending on demand.

MR. KRMPOTIC:
1 should draw the attention of the Committee to a piece of language which is included in the current pay bill, but not this pay bill. A distinction was drawn between classified and unclassified employees. Unclassified employees had to take furlough leave in full-day increments. Classified employees, however, had the option of taking leave in various hourly increments which added up to 96 hours per year. Legal Counsel has examined the language in the pay bill for the 2011-2013 biennium and it has been determined that both classified and unclassified employees can take the furlough leave in hourly increments, rather than having a distinction incorporated into back-language as has been done previously.

Senate Committee on Finance
June 4, 2011
Page 59
Section 4, subsection 4, indicates that the furlough leave does not apply to employees of the Department of Cultural Affairs and Tourism whose standard workweek is only 32 hours.

Section 5 indicates that it is the intent of the Legislature to establish a program whereby employees of the State and other participating employers who take furlough leave due to extreme fiscal need will be held harmess in the accumulation of retirement service credit. That is consistent with the way the furlough leave policy has been applied in the current biennium.

Section 6 begins on page 31 of Exhibit $W$. This section indicates that it is the intent of the Legislature to limit exceptions to the requirement of furlough leave for employees of the State, as identified in section 4 of this act, to identified areas of critical need. This language is similar to what was provided in the current biennium. If an employer, including the State, participating in the furlough program determines that a position cannot be subject to furlough leave because of the necessity of that position in providing services appropriate to the protection of the public, the governing body of the agency must put those findings in record. Any exemptions to furlough leave are subject to the approval of the Board of Examiners where it applies to the Executive Branch. This language is found in section 6, subsection 2, paragraph (a). The Board of Regents is indicated to be the governing body for NSHE, and the Public Employees Retirement Board is the governing body for PERS. The Supreme Court and the Legislative Commission are indicated to be the governing bodies of the Judicial Branch and the Legislative Branch of State government, respectively.

Senator Kieckhefer:
In section 6, subsection 4, the language indicates that if people are exempted from the furlough, they will still have a 2.3 percent reduction in salary. Is that 2.3 percent reflected in the calculations of PERS?

Mr. Krmpotic:
That 2.3 percent pay reduction would be the equivalent to six days of unpaid furlough a year. It appears that, if an employee were to take the 2.3 percent reduction, they would not be held harmless with respect to PERS contributions and accumulation of service credits.

## Senate Committee on Finance

June 4, 2011
Page 60
Section 7 of the bill appropriates approximately $\$ 5.9$ million from the General Fund in the first year of the biennium and $\$ 6$ million in the second year of the biennium to provide for the difference between the 5 percent reduction which was recommended by the Governor for Executive Branch employees and the 4.8 percent reduction which was approved by the Legislature. The amourts appropriated under this section also provide funding for PERS to hold harmless the time taken off for furlough days.

Section 8 makes a similar appropriation from the State Highway Fund for the employees in DMV, Department of Public Safety, mainly the State Highway Patrol and the Nevada Transportation Authority.

The amounts appropriated to the Board of Examiners under sections 7 and 8 are allocated to the agencies based on need. The agencies normally must approach the Board of Examiners to demonstrate that there is a shortfall in their budget with respect to payroll before they will be granted an allocation. This will work the same way as in the past when cost of living adjustments were approved. That money was similarly appropriated to the Board of Examiners and then allocated on an as-needed basis.

Sections 9 and 10 contain language which is similar to what was included in the 2009 Unclassified Pay Bill. Section 9 provides that certain employees of the Department of Corrections and Department of Health and Human Services, including senior psychiatrists, senior physicians and pharmacists, are to perform on-call responsibilities to ensure 24 -hour coverage. Payments of up to $\$ 60$ will be made for specified periods on weeknights, and up to $\$ 100$ will be paid for specified periods on weekends.

Section 10 allows the Gaming Control Board to adopt a plan authorizing additional payments of up to $\$ 5,000$ annually for unclassified employees who possess certain certificates from the State of Nevada, such as certified public accountants and attorneys, or other qualifying positions, such as electronic laboratory engineers.

Section 11 pertains to the reversion language of the appropriations that. were made earlier in this act.

Section 12 places maximum amounts on the money which is to be distributed by the Board of Examiners. Appropriations established for an account within the

Senate Committee on Finance
June 4, 2011
Page 61
department, agency or commission at issue must not be distributed to another account within the agency if that action results in the distribution of money beyond the maximum salary need as determined by the account.

Section 13 indicates that this act would become effective on July 1, 2011.

## Senator Kieckhefer:

In section 9, the language allows the Department of Health and Human Services and the Department of Corrections to adopt plans for additional payment for weekend and nighttime responsibilities. Is this an issue which has a total dollar amount which would be appropriated from somewhere else, or would they have to handle those amounts within their current appropriations?

Mr. Krmpotic:
I have not reviewed those accounts in detail to determine how that money might be included. The amounts appropriated in this act are not intended to cover the payments under section 9 or section 10. For the appropriation to the Gaming Control Board described in section 10, those amounts are brought into the Board's budget.

In section 9, if the $\$ 60$ or $\$ 100$ payments were made in FY 2009-2010, those amounts would most likely have been carried forward in the Base Budget and would therefore be included in the appropriations in the operating budgets for the Division of Mental Health and Developmental Services and the Department of Corrections.

## SENATOR Kieckhefer:

Is this language common to most. Unclassified Pay Bills as they are brought forth in each biennium?

Mr. Krmpotic:
This language was included in the Unclassified Pay Bill for the 2009-2011 biennium. Having worked on that bill directly, I recall that this item was included at the urging of the Director of the Department of Health and Human Services.

## Senator Kieckhefer:

Would it be reasonable to assume that this money is included in those departmental Base Budgets and would be accounted for?

Senate Committee on Finance
June 4, 2011
Page 62
Mr. Krmpotic:
That would seem likely. I would qualify that by saying I have not closely examined the Base Budgets of those agencies. Typically, if an item was paid in 2010, it would have been carried forward in the Base Budget and would therefore be funded into the upcoming biennium.

SENATOR DENIS MOVED TO INTRODUCE BDR S-1317.
SENATOR PARKS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Mr. Krmpotic:
The next proposal is for the Authorized Expenditures Act. This will cover funding from all other sources outside of the General Fund and the State Highway Fund. It includes federal funding sources, fee-based budgets and self-supporting State budgets within the State government.

Traditionally, the State Highway Funds which are received by the Department of Transportation are included in the Authorized Expenditures Act rather than the General Appropriations Act. This is a long-standing tradition. Another exception is that the Gaming Control Board and the Gaming Commission are funded from General Fund authorizations and not appropriations. This is included in the Authorized Expenditures Act, as well. This is based on statutory language which will be covered in the presentation.

Rex Goodman (Principal Deputy Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):
I will be presenting BDR S-1315 (Exhibit X).
BDR S-1315: Authorizes expenditures by agencies of the State Government. (Later introduced as S.B. 503.)

This bill will cover all other funding sources other than General Fund and State Highway Fund appropriatlons, with the exception of the Gaming Control Board and the Nevada Department of Transportation, as has been described.

## Senate Committee on Finance

June 4, 2011
Page 63
Pages 1 through 21 of Exhibit $X$ outline each account and the authorized expenditures for the 2011-2013 biennium.

Section 2, which begins on page 21 of Exhibit $X$, contains language describing the uses of tobacco settlement fund money. This includes the approved amounts in the budgets for the Attorney General's Office, the Aging and Disability Services Division, the Community-Based Services programs and other programs within the Director's Office of the Department of Health and Human Services. This would also include the Family Preservation Program within the Mental Health and Developmental Services account as well. The allocations from tobacco settjement funds are outlined in section 2, subsections 2, 3 and 4.

Section 2, subsection 5, outlines the percentages by which additional tobacco settlement funds would be distributed. Forty percent would go to the Millennium Scholarship Trust Fund and 60 percent would go to the Fund for a Healthy Nevada. The Committee will recall that the other 10 percent which has previously been provided to the Trust Fund for Public Health has been eliminated and combined into the Fund for a Healthy Nevada.

Section 3 provides the General Fund appropriations for the State Gaming Control Board. Statute dictates that these funds must be authorized for use by the Board.

Section 4, on page 24 of Exhibit $X$, is the authorization for the Gaming Commission. This is also a General Fund appropriation.

Section 5 provides the authorization for funds to be adjusted, not including funding for the Legislative Fund and judicial agencies. This money can be transferred for salary allotments and travel allotments in accordance with NRS 353 which provides for work program adjustments approved by IFC.

Section 6 pertains to augmentations to these amounts. The amounts authorized in this bill may be augmented by the Chief of the Budget Division of the Department of Administration if additional outside revenue, federal or local government funding, becomes available for these same purposes, pursuant to NRS 353. Section 6, subsection 2, provides the same authority for the Director of the Legislative Counsel Bureau, with approval from the . Legislative Commission.

## Senate Committee on Finance

June 4, 2011
Page 64
Section 7 requires that whenever an account receives additional funding which is not included in the budget, to the extent that General Fund allocations can be offset, that General Fund or State Highway Fund money is required to be reverted to the State. There are some exceptions to this provision. Generally, however, if an account receives General Fund or State Highway Fund money, and then receives additional money from some other source, that State money must be reduced by the same amount and reverted.

Section 8 outlines the amount of fee and tuition revenues that can be collected by a facility of NSHE. Those amounts are listed on pages 26 and 27 of Exhibit X.

## Senator Kieckhefer:

When the Committee discussed the NSHE budget, there was an initial proposal to increase tuition for two consecutive years. We closed the budget with only a first year increase. If the Board of Regents were to decide to try to offset some of the approved reduction in General Fund money by adding an additional tuition increase, would they have to come to the Legislature and get authorization to expend that increase?

Mr. Goodman:
I assume they would be able to come to the Legislature and request authorization to receive and expend that additional revenue.

MR. KRMPOTIC:
That issue is covered in section 8, subsections 2 and 3, on page 27 of Exhibit $X$. This language provides that NSHE may expend additional registration fees collected from students for the purpose of meeting salaries and related benefits for incremental instructional faculty. The NSHE may also expend, with the approval of IFC, any additional registration fees and nonresident tuition fees resulting from the imposition of fee increases. If the expenditures are for instructional purposes, NSHE may come forward and augment its budget. If the money would be used for other purposes, NSHE would have to seek approval from IFC.

Mr. Goodman:
Section 9 provides authority for the Department of Wildlife. This is language which has traditionally been included in this bill. If the Director of the Department of Wildlife projects that the Department will be short on

## Senate Committee on Finance

June 4, 2011
Page 65
non-General Fund revenue, they may request a temporary transfer from the General Fund. This advance is not to exceed 50 percent of the Department's amount of federal money in each account. The advance would be repaid by the end of the fiscal year.

Section 10 outines the amounts of revenue to be collected from the counties for State Public Defender services. The State Public Defender's office can, additionally, receive more funding from those counties to augment their services if the counties so choose.

Section 11 contains historically included language which requires the State Treasurer to allocate portions of the tax on motor vehicle fuel between the Department of Wildife and the Division of State Parks. Both of these agencies are located within the Department of Conservation and Natural Resources.

Section 12 allows the Division of Forestry, within the Department of Conservation and Natural Resources, to use special reserves for the cost of operation and repair and maintenance of firefighting vehicles. These reserves are held in another account, but can be used for firefighting vehicles without forcing a reversion of General Fund money. This is an example of the exemptions provided in section 7 of this bill.

Section 13 requires the State Fire Marshall to use funding from the Contingency Account for Hazardous Materials to support their eligible training programs before using any State General Fund money for those programs. This language has traditionally been included in Authorized Expenditures Act throughout the years.

Section 14 allows the Division of Forestry to support its central reporting unit. If there is any funding remaining at the end of each fiscal year, it may be carried forward for that same purpose. This is another exemption from the reversion requirements described in section 7.

Section 15 pertains to the Commissioner of Insurance position. This account was approved. If it is found that there is insufficient revenue, the Agency may receive a temporary advance from the General Fund, contingent upon the approval of the Director of the Department of Administration and upon notification of the Senate and Assembly Fiscal Staff, who would then make a report to IFC. This amount is Ilmited to one-sixth of the account's anticipated

Senate Committee on Finance
June 4, 2011
Page 66
operating expenditures for the year and must be repaid by the end of the fiscal year.

Section 16 contains similar language. It provides authority to make an advance from the General Fund for the Department of Health and Human Services for the Health Statistics and Planning account. This advance is limited to $\$ 600,000$ per fiscal year. It would be available upon approval of the Director of the Department of Administration.

Section 17 allows the Western Interstate Commission for Higher Education Loan and Stipend Repayment account to balance forward its Health Care Access Program Loan Repayment slots and any loan, stipend and interest repayment revenues.

Section 18 requires the Department of Public Safety to transfer any remaining funding from the account for home disaster assistance to the General Fund. That account was a temporary account and is being elimiñated.

Section 19 pertains to the identification of $\$ 1.5$ million in excess reserves in the Radiological Health Account of the Health Division this Session. Those reserves are required to be transferred to the General Fund by June 30, 2011.

Section 20 allows the Director of the Office of Energy to request a temporary advance from the General Fund if revenues are projected to not exceed authorized expenditures. The advance must be repaid by the end of the fiscal year.

Section 21 places restrictions on money deposited in the Emergency Operations Center Account of the Office of the Military. This is to account for rent revenues received for the use of Office of the Military facilities and allows them to be carried forward for the next fiscal year.

Section 22 relates to the Division of Child and Family Services, Clark County and Washoe County. This language is a holdover from the previous Session. With the new block grant language which was approved in S.B. 447, this would allow the Division or the counties to use additional money, which may have been received after the closing of their respective budgets, for child welfare purposes without having to revert an identical amount to the General Fund. This is another exemption to section 7 of the bill.

## Senate Committee on Finance

June 4, 2011
Page 67
SENATE BILL 447 (1st Reprint): Makes various changes concerning the administration of child welfare services. (BDR 38-1218)

Section 23 pertains to the Office of Veterans' Services. If the Director of that Office determines that revenues are insufficient to pay authorized expenditures, the account may receive a temporary advance from the General Fund. This advance is not to exceed $\$ 400,000$ per fiscal year and must be repaid by the end of each fiscal year.

Section 24 pertains to the Commissioner of insurance. This account was determined to have excess reserves. This language would freeze the assessments which are charged by the Commissioner of Insurance for the biennium, as those fees are no longer necessary to maintain the reserve over the next two years.

Section 25 contains language pursuant to the actions of the Committee in shifting revenues in DMV. This would include government services taxes which would be shifted to the General Fund. The DMV will be required to utilize State Highway Fund money for their operations instead. Approximately $\$ 20.9$ million of government services taxes in each year of the biennium would be shifted to the General Fund. In section 25, subsection 2, approximately $\$ 4.7$ million of other penalties and fees would be transferred to the General Fund as well.

Section 26 is necessary in increasing the administrative cap for State Highway Fund money used by DMV. In order to shift the government services taxes and fee revenue to the General Fund, the administrative cap for State Highway Fund money must be increased to 33 percent.

Section 27 contains language which would amend NRS 90.851. The Secretary of State's Office was approved to use revenues collected for investigations involving securities. The money could be used for any other purpose in the Office of the Secretary of State. This language will be permanently included in statute.

Section 28 pertains to a budget change which has been approved in the Office of Veterans' Affairs. The Office would no longer provide the Guardianship Assistance Program. There is no more money in this account for this program. There is no federal requirement that the Office provide this

Senate Committee on Finance
June 4, 2011
Page 68
service. This section would remove the language in statute which pertains to this program.

Section 29 formally repeals numerous sections of statute pertaining to the Office of Veterans' Services. They are listed at the bottom of page 38 of Exhibit X.

Section 30 specifies when specific sections of this bill will take effect. Sections 18, 19 and 27 will become effective upon passage and approval. The rest will become effective July 1, 2011.

SENATOR LESLIE MOVED TO INTRODUCE BDR S-1315.
SENATOR RHOADS SECONDED THE MOTION.
THE MOTION CARRIED UNANIMOUSLY.

Senate Committee on Finance
June 4, 2011
Page 69
Chalr Horsford:
This meeting is adjourned at 12:01 p.m.

## RESPECTFULLY SUBMITTED:

Wade Beavers, Committee Secretary

APPROVED BY:

Senator Steven A. Horsford, Chair

DATE:

Senate Committee on Finance
June 4, 2011
Page 70

| EXHIBITS |  |  |  |
| :---: | :---: | :---: | :---: |
| Bill | Exhibit | Witness / Agency | Description |
| Bil | A |  | Agenda |
|  | B |  | Attendance Roster |
| $\begin{aligned} & \text { S.B. } \\ & 4 \geqslant 8 \end{aligned}$ | C | Mark Krmpotic / LCB Fiscal | Prioritization Schedule for Technology Replacement |
| S.B. | D | Mark Krmpotic / LCB Fiscal | Proposed Amendment to S.B. 425 |
| S.B. | E | Senator Allison Copening | Overview of S.B. 174 |
| 174 |  |  |  |
| $\begin{aligned} & \text { S.B. } \\ & 174 \end{aligned}$ | F | Senator Allison Copening | $\begin{aligned} & \text { Proposed Amendment to } \\ & \text { S.B. } 174 \\ & \hline \end{aligned}$ |
| S.B. | G | Senator Allison Copening | Policy Comparison for S.B. 174 |
| 174 | H | Senator Allison Copening | Las Vegas Review Journal Article |
|  |  |  |  |
| $\begin{aligned} & \hline \text { S.B. } \\ & 174 \end{aligned}$ | 1 | Chris Ferrari / Concerned Homeowners Association Members Political Action Committee | Agency Letter |
| $\begin{aligned} & \hline \text { S.B. } \\ & 174 \\ & \hline \end{aligned}$ | 」 | Tom Walsh / Howard Hughes Corporation | $\begin{aligned} & \text { Letter of Support on } \\ & \text { S.B. } 174 \end{aligned}$ |
| S.B. | K | Robert A. Massi | Letter on S.B. 174 |
| 174 |  |  |  |
| S.B. <br> 336 | L | Senator Michael A. Schneider | $\begin{aligned} & \text { Proposed } \\ & \text { S.B. } 336 \\ & \hline \end{aligned}$ |
| S.B. | M | Senator Michael A. Schneider | Associated Press Article |
| 336 |  |  | Proposed Amendment to |
| $\begin{aligned} & \hline \text { S.B. } \\ & 371 \\ & \hline \end{aligned}$ | N | Legal Division / LCB | $\text { S̈.B. } 371$ |
| A.B. | 0 | Mike Draper / General Motors Company | Proposed Amendment to A.B. 571 |
| 511 | P | Mike Draper / General Motors Company | Salt Lake City Parking Program Outline |
| $\frac{511}{\frac{A . B}{511}}$ | Q | Mike Draper / General Motors Company | Cincinnati Parking Program Outline |

Senate Committee on Finance
June 4, 2011
Page 71

| A.B. <br> 511 | R | David Goldwater, Google, Inc. | Self-Driving Car Overview |
| :--- | :--- | :--- | :--- |
| A.B. <br> 511 | S | Brent Bell / Whittlesea Blue Cab <br> Company | Letter of Support on <br> A.B. 511 |
| A.B. <br> 511 | T | Brent Bell/Henderson Taxi | Letter of Support on <br> A.B. 511 |
| A.B. <br> 546 | $U$ | Lesley Pittman / United Way | Letter on A.B. 546 |
|  | V | Eric King / LCB Fiscal | BDR S-1316 |
|  | W | Mark Krmpotic / LCB Fiscal | BDR S-1317 |
|  | X | Rex Goodman /LCB Fiscal | BDR S-1315 |


[^0]:    1thy nor Permifiod
    $G$ Gardig Overigy
    
    P. Llsa Pambitod
    
    
    

[^1]:    - Use nop Pomsitiod

    G-Gating Ovarlay
    
    Proba Fimmitied
    
    Apponfin for Gram V/blep Rorch. Usos pormittec within othar cormercun parceis will be
    

[^2]:    Lise not Permfled
    G Giming Overay
    U Uha Permit Requyed or pormitiad under specsar coxditions (Sep Senton ? ?)
    $P$ Lsa Pemmitod
    
    
    appoved it subsequen Fresway infortherge Overty Distret Development Standards

[^3]:    - Usep not Pemitted

    G Germing Oveday
    
    P- Use Pomintat
    
    
    

[^4]:    1 Rogutated by use pemmit or by standards ol axjacen digtrits

[^5]:    - See Sectien 4.1. 日 - 11 for eui-de-saE tumaround enterla.

[^6]:     Cifector.

[^7]:    * Doss nel hicluda Henta Owners Ascocation facilibes.

[^8]:    

[^9]:    * In gallons. See Paragraplı 5.2 Ptant Materid/hnigation Demnd Llst

