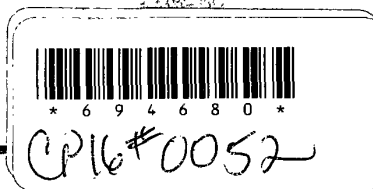


O'Donnell, Mary Beth



From: Orjiako, Oliver
Sent: Thursday, March 13, 2014 1:46 PM
To: Cook, Christine; Euler, Gordon; Mabrey, Michael; Anderson, Colete; Niten, Jeff; Lebowsky, Laurie; Alvarez, Jose; Kamp, Jacqueline; Albrecht, Gary; McCall, Marilee; O'Donnell, Mary Beth
Cc: Horne, Chris
Subject: RE: 2007 Plan Update litigation

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Chris:

Congratulations! Yes, two out of three is not all bad. A win is a win. I wish we won all of it. Oh well, I wait to read the decision as we prepare for the 2016 update and what areas if any can come in or not and what type of issues to consider. We look forward to reading the decision. On behalf of Community Planning, thank you for a job well done!

Best- Oliver

From: Cook, Christine
Sent: Thursday, March 13, 2014 1:36 PM
To: Orjiako, Oliver; Euler, Gordon; Mabrey, Michael; Anderson, Colete; Niten, Jeff; Lebowsky, Laurie; Alvarez, Jose; Kamp, Jacqueline; Albrecht, Gary; McCall, Marilee; O'Donnell, Mary Beth
Subject: 2007 Plan Update litigation

Hi, All!

I have received a decision from the growth board on the remand that we argued last month. It's being scanned now, and I'll send it when I get it electronically. The broad-brush results (I haven't read the whole thing yet):

The growth board reversed its earlier decision on areas VA and VA-2, now holding that it was not erroneous for the county to remove them from agricultural designation.

On area WB, the growth board reaffirmed its earlier decision, ruling that that area had been erroneously de-designated.

2 out of 3 isn't all bad is it? And it didn't even take 7 whole years.

The final tally is as follows:

19 areas were de-designated.

Of those, the GB held in 2008 that 8 de-designations had been lawful and 11 were clearly erroneous.

Of the 11, one was entirely annexed, and the majority of 2 others were annexed. The Supremes ruled in 2013 that the annexations were not subject to being overturned when they hadn't been appealed. Clark County had already redesignated and removed from the UGA's the parts of the 2 areas that were not annexed.

Clark Co. Superior Court ruled that 2 areas should not have been de-designated. Clark County redesignated those for agriculture and removed them from the UGA's. Superior Court either affirmed one annexation or ruled that the others were moot. The court upheld the other 6 de-designations.

The Court of Appeals was next, and it is required to review the GB decision, not that of Superior Court. The Ct App held that 3 de-designations had been erroneous and that the GB had wrongly overturned 3 others, remanding those last 3 to the GB. And the Ct App, for reasons known only to itself, ruled that the annexations had been improper.

The Supreme Ct accepted review of the county's petition regarding the annexations, ultimately ruling that the Ct. App. had no business reviewing them. The Ct App decision stood on the other 6 areas. The county redesignated 3 areas and removed them from the UGA.

We argued the remand for the remaining areas before the GB in February, and it has issued its decision upholding the de-designations of areas VA and VA-2, and remanding to the county the de-designation of WB, the one remaining.

This is almost entirely finished.

And now, we're doing the 2016 update!

Cheers, congratulations, and thanks to all of you for your excellent work!

Chris