

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the February 7, 2006 Meeting

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A regular meeting of the Carson City Parks and Recreation Commission was scheduled for 5:30 p.m. on Tuesday, February 7, 2006 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna Curtis
Vice Chairperson Michael Hoffman
Greg Davis
John Felesina
Charlene Herst
Tom Keeton
Pete Livermore
John McKenna
Tom Patton

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Scott Fahrenbruch, Parks and Recreation Director of Operations
Vern Krahn, Park Planner
Lee Plemel, Planning and Community Development Principal Planner
Michael Suglia, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings is available for review, in the Clerk-Recorder's Office, during regular business hours.

CALL TO ORDER AND ROLL CALL (5:30:58) - Chairperson Curtis called the meeting to order at 5:30 p.m. Roll was called; a quorum was present.

CHANGES TO THE AGENDA (5:31:25) - None.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (5:31:32) - None.

1. ACTION ON APPROVAL OF MINUTES - January 3, 2006 (5:31:51) - Commissioner McKenna moved to approve the minutes. Commissioner Herst seconded the motion. Motion carried 9-0.

2. AGENDA ITEMS:

2-A. ACTION TO RECOMMEND TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS ADOPTION OF THE VICEE CANYON SPECIFIC PLAN AREA, SECTION 2 - CONSERVATION; SECTION 4 - PARKS, TRAILS, AND OPEN SPACE; SECTION 5 - CIRCULATION AND ACCESS; AND OTHER RELATED POLICIES, ASSOCIATED WITH PARKS AND TRAILS ISSUES IDENTIFIED IN THE FINAL DRAFT PARKS AND RECREATION MASTER PLAN (VERSION 14) (5:32:27) - Chairperson Curtis introduced this item. She advised that the commission would be discussing circulation, parks, and trails; not housing or whether or not the Vicee Canyon specific plan area ("SPA") should go forward. Mr. Krahn provided an overview of staff's presentation. Mr. Plemel introduced Division of State Lands Senior Planner Clint Wertz, and narrated a PowerPoint presentation which included historic and background information on the Vicee

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Canyon SPA, description of a specific plan area, an overview of a map of preferred land use designations, and an overview of the proposed development. Mr. Wertz provided background information on Nevada School Trust Lands; discussed requirements for the sale of, and allocation of sale proceeds from, school trust lands; reviewed Division of State Lands goals and benefits of the Vicee Canyon SPA; and reviewed a map depicting the current proposal within the master plan, including review of slope mapping and the SPA land use policies. Mr. Krahn reviewed the conservation policies; parks, trails, and open space policies; and circulation and access policies.

Commissioner McKenna inquired as to the timing of this presentation in relation to the status of the Vicee Canyon SPA process. He expressed the opinion that selling the land will not maximize its value, and inquired as to the reason for the proposal to develop the property. Mr. Plemel advised that the timing correlated with the City's comprehensive master plan process and the Division of State Lands' application agendized for the February 22nd Planning Commission meeting. Commissioner McKenna discussed the value of a large, open space on the west side of Carson City, and inquired as to the commission's parameters to recommend the entire west side of town remain as an "open space, natural park." Mr. Plemel advised that regulating a property to no development translates to purchasing the property. He advised that the question of purchasing the property for the City's Open Space Program was raised at the January 23rd Open Space Advisory Committee meeting. He explained that the Division of State Lands is legally constrained from selling the property directly to the City. The property is required to be submitted to an auction process. Commissioner McKenna suggested the community's desire to retain the property for open space may mean changing the law which prohibits the State from selling the property directly to the City. He expressed the opinion that including the Vicee Canyon SPA in the master plan as anything other than open space may be "shooting ourselves in the foot for the future." He referred to past "battles" to close access to the Sierra from Carson City and issues associated with keeping off-roaders out of Ash Canyon. He expressed a preference for developing the west side of town as a park to the greatest extent possible; for developing trails adjacent to acreage leading to the Sierra to serve as pathways for wildlife, for people to access the Sierra instead of building houses "up to the very limits."

Chairperson Curtis inquired as to other, private, undeveloped land in the area. Mr. Plemel referred to the preferred land use map and pointed out the school trust property, presently undeveloped private property, developed property, and planned unit developments in the area. In response to a question, he reviewed zoning designations in the area. In response to a question, Mr. Wertz advised that the Division of State Lands is required, as any other entity, to work within local land use laws. Commissioner Livermore noted that the City can only pay fair market value to purchase land, and that the proposal indicates the land value would increase. He agreed with Commissioner McKenna's suggestion to seek legislative amendment to the law prohibiting the State from selling the property directly to the City. In response to a question, Mr. Plemel advised that the typical open space requirement for a planned unit development is 30%. He referred to the State's obligation to maximize the value of the school trust land. He pointed out that, through the subject planning process, policies have been included which will translate as development limitations. Commissioner Livermore suggested that, if creation of the SPA is inevitable, it may behoove the commission to include policies which will not allow a change of ownership that doesn't fit the City's best interests. He expressed the hope the Division of State Lands will continue to work with the City on development of storm water retention / detention basins in the area throughout the subject process. In response to a question, Mr. Wertz provided an overview of Section 8, Urban Interface Fire Protection.

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In response to a question regarding the PUD Maintenance District described in Section 4, Mr. Krahn advised that the City would be responsible for maintaining the 124 acres of open space. Mr. Moellendorf advised that the maintenance district agreement would include specificity regarding service levels for public open space and landscape. Mr. Krahn explained that fees can be established once maintenance levels are established. In response to a comment, he acknowledged that equestrian and other forms of access would be considered as part of trail head design processes. In response to a question, Commissioner McKenna advised that the Capital to Capital Trail had been permanently abandoned by Placer County because of private land ownership issues between Colfax and Lake Tahoe. Mr. Krahn advised that City staff remains interested in several connections from the west side to the Tahoe Rim Trail. Commissioner Keeton suggested there is a “marvelous” opportunity to create an equestrian trail head in the area. He expressed a preference for the trail head to be created separate from any park setting, and for it to accommodate several horse trailers. He noted the importance of maintaining dark skies for the WNCC observatory.

Commissioner Felesina expressed agreement with Commissioner McKenna on not developing the area. He discussed concerns over flooding issues. Mr. Plemel advised that on-site detention facilities are required to be engineered in conjunction with development plans. He noted that retention / detention facilities are a key element because of water infiltration that serves the City’s watershed and underground water storage. Chairperson Curtis provided direction with regard to public comment, and opened this item.

(6:23:05) LeAnn Saarem, of 2188 Alfred Way, discussed her involvement in development of the Vicee Canyon SPA document. She expressed concern that issues raised by area residents hadn’t been considered very seriously. She was puzzled as to the reason for adding parcel C to the Vicee Canyon SPA, and expressed the opinion it was included “just to add in open space.” She referred to a recently-denied PUD on Combs Canyon Road, and expressed the opinion the addition of parcel C seems to be exactly the same thing. Not considering parcel C, she noted that 84 acres remain in parcels A and B, 76 acres of which have greater than 15% slope. Ms. Saarem suggested this would not represent usable open space. She acknowledged there are trails within the designated open space area, but noted the “flat space is going to have houses on it.” She advised that the Carson City Municipal Code (“CCMC”) states 25% of the total open space must be less than 5% slope; less than 50% can be greater than 15% slope.

Ms. Saarem expressed appreciation for the commission addressing equestrian concerns. She pointed out the pit area on a displayed map, her property in relation to it, and the boundaries of the Brush Estates subdivision. She advised that the entire area is zoned for horse keeping. She further advised that the Vicee Canyon SPA policies include access within the SPA, “but they’re completely cutting off equestrian access for this development through a street that, because of the pit expansion, has basically been shoved right on [her] property line.” Equestrian access to trails, open space, and into the mountains will be cut off. Ms. Saarem advised that the SPA indicates, as a priority, development of a secondary access road to the Timberline subdivision.

Ms. Saarem advised of having spoken, earlier in the day, with Beth Scott of the Equestrian Alliance. She expressed concern over the many pending plans for the area, including the Vicee Canyon PUD, the possible recreation facility, WNCC’s dorms, the recently-approved Murphy Drive PUD, anticipated development of property adjacent to Combs Canyon Road, and future expansion of WNCC. She advised that Ms. Scott had expressed the opinion the minimum requirement for safe equestrian access would include a 12-foot bridle path separate from the street. Ms. Saarem agreed with Commissioner McKenna’s earlier comments

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that the subject property has higher potential than for residential development, and expressed the opinion the issues need to be considered much more seriously.

(6:29:45) Dave Simpson, a resident of Timberline, discussed concerns over trails and access to the Carson Range, Lake Tahoe, and the Tahoe Rim Trail. He advised of areas in Douglas County where access to Job's Peak has been cut off. He noted the importance of maintaining access to the Sierras. He referred to the Vicee Canyon greenway, and advised that a huge roadway is planned to cross the greenway, "probably with some huge culverts." He expressed concern over maintaining a greenway in conjunction with a road crossing. He advised that the green areas indicated on the map to be maintained as open space are "non-buildable space. ... It's space that's too steep to even put a hiking trail on." He pointed out the "upper bench trail that circumnavigates Carson City ... right at the base of the Timberline subdivision." He expressed concern that the trail network and the upper bench trail be maintained. He discussed the importance of trails to present and future generations. He described uses of the upper bench trail, and suggested it should be maintained in a native setting instead of "on the side of a roadway." He advised that horses are often spooked by vehicles, dogs, etc. "The wider and more open we can keep these areas at the cost of having less homes and less development, the better we are." He reiterated the importance of maintaining the upper bench trail, and advised it was established to "cross the ports into the Sierras."

(6:35:58) Fred Brown, of 3795 Timberline Drive, advised of having served as a Parks and Recreation Commissioner for approximately thirteen years. He expressed the opinion there is "already an awful lot" of open space conservancy land on the west side of town. He pointed out open space and U.S. Forest Service land on the displayed map. He expressed concern over access in conjunction with private property in the area. With regard to equestrian use, he advised of "phenomenal property and absolutely beautiful access to the mountains out of Kings Canyon." He suggested developing an equestrian trail head in that area. He agreed with earlier comments that the areas designated in the SPA as open space are "pretty steep and actually would be unusable."

Mr. Brown expressed the opinion that "a lot of this has to do with ad valorem taxes." He advised of projections for up to 28,000 more people in Carson City before resources are affected. He suggested that land in the area of the Lompa property would more than accommodate this increase in population, and that the subject area should not be considered for development of a subdivision. He further suggested that WNCC could develop the subject area, and that the detention basin proposed for just west of the old V&T right-of-way "would make an awesome amphitheater which could be used during the summer times ... that would not affect anybody living in Timberline or ... any other area."

(6:41:06) Mike Pavlakis, of 7 Woodstock Circle in the Westwood Subdivision, advised of his interest in this item as the subject property is his "back yard." He agreed that the Division of State Lands has a right to request a change, but noted the commission is not required to grant the change. He acknowledged the Division of State Lands is entitled to develop the property according to current zoning and master plan designations. He noted the commission was being asked to help the Division of State Lands "create value so they, in turn, can sell the property for a higher value." He further noted the commission's charge to safeguard the property of Carson City that has value for recreation and parks. In reference to SPA policies regarding development of parks and trails, he pointed out the Division of State Lands will not be developing the property; a developer will.

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Mr. Pavlakis advised that this item was presented to this commission at this time because of the February 22nd Planning Commission meeting at which it would be agendaized. He expressed concern over no indication on the map of areas of proposed development with contour lines. He referred to Ms. Saarem's comments, and agreed there will be very little "flat space" left undeveloped for park and recreation opportunities. He advised of having inquired of a Division of State Lands representative regarding a buffer between his property and the area of proposed development. He was informed the plans would include, at a minimum, 100-yard strips, but advised these were not indicated on the maps.

Mr. Pavlakis expressed a preference to be able to maintain the existing open space and trees. He expressed the opinion these things will be eliminated once the State sells to a developer and "the developer comes back here asking you, just as the State is asking you, for a change." He expressed the hope the commission would reject the proposal.

(6:46:10) Dave Saarem, of 2188 Alfred Way, pointed out his property on the displayed map. He expressed the understanding that, through the comprehensive master planning process, citywide survey results indicated "fairly loud and very clear that the people that live in this community don't want to see a lot more hillside development." He expressed the opinion the proposed development is "exactly what those people were saying they don't want to see." People who understand the laws realize that hillside development really means you can't build on land with a certain slope. The people who responded to the citywide survey "aren't going by those rules. ... They're thinking exactly about when they look up there on the mountainside, they'll see a development and they don't want that. That's what they're telling you." Mr. Saarem expressed the belief that legislation can be changed to allow the community to maintain the subject property as it is. He suggested that, before entertaining this possibility, it would be premature to approve rezoning and a special planning area to start the process of development.

In reference to the requirements for allocation of Nevada School Trust Land proceeds, Commissioner McKenna compared student population growth in Carson City with Clark and Washoe Counties, and advised that Carson City "will see pennies of that money." He advised that sale proceeds would not be allocated to Carson City schools but to Clark County instead.

In reference to comments regarding usable open space, Mr. Wertz referred to the map on page 25 of the Vicee Canyon SPA document. He advised of a specific policy, within the document, for a 100-foot buffer between any new development areas and any existing residential development. In addition, between development areas 4 and 5, Nevada Department of Wildlife representatives have recommended a 300-foot corridor across relatively flat open space. There are also approximately 30 acres of land south of development area 8 with very low slope contours that would also be maintained as open space. Mr. Wertz advised of the Division of State Lands' concern to protect the area's view shed.

Mr. Wertz discussed the Division of State Lands' efforts to enter into the Vicee Canyon SPA process as a good steward, public representative of the land. He acknowledged the goal to maximize value, but advised of attempts to balance it with community concerns over quality of life. He advised that the trend with the Legislature and State agencies disposing of property over the years has become more stringent. He expressed the opinion Division of State Lands Administrator Pam Wilcox would most likely support the City's efforts to acquire the land as open space, but that it would be a "tough battle." He advised that AB 312, which passed the last session of the State Legislature, increased scrutiny on the Division of State Lands to dispose of property.

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With regard to questions over parcel C, Mr. Wertz advised that it includes a water tank. City open space and parks and recreation staff value the property in terms of maintaining connections. Although the Vice Canyon SPA document indicates the parcel will not be part of that which is dedicated to the City, it will still be managed accordingly and the State has no plans to develop it other than for public facilities as those which currently exist. Mr. Wertz agreed with the importance of maintaining trails, connection points, and access. He clarified that Parcel C is separate from the 124 acres to be dedicated to open space. He advised that much of the 36 acres which comprise Parcel C is relatively flat. In response to a question, Mr. Wertz advised of having worked with the City to develop the SPA document policies in as sensitive a manner as possible to issues such as access. He noted that Ash Canyon Road goes right through the water tank parcel, and advised of very specific language in the SPA document which highlights the route as important. Commissioner McKenna expressed concern over future closure of access in conjunction with residential development.

In response to a question, Mr. Wertz advised that Division of State Lands staff has worked “hand-in-hand” with City staff to develop workable policies. Throughout the process, the policies have become more clarified. In response to a further question, Mr. Wertz advised that if the specific plan area is adopted by the City, at a later date the State would have to go through a separate process to dispose of the property. At the time of a sale, dedicated areas would have to be transferred to Carson City and the burden to implement the planned unit development policies would be the developer’s. In response to a further question, Mr. Wertz advised that the three parcels would be auctioned at the same time.

Commissioner Davis inquired as to whether the land could be further subdivided or resold by the successful bidder. Mr. Wertz advised that policies attached to the property would “carry through. Somebody could sit on it and resell it to a third party.” Mr. Plemel advised that a subsequent buyer would be obligated to the SPA document policies. He acknowledged the property could be further subdivided within the City’s regulations. **Commissioner McKenna moved that the commission recommend to the Board of Supervisors that they do everything possible to keep the designated area discussed tonight in a natural state and to work with the legislature to change the law so that it can be acquired as open space. Commissioner Felesina seconded the motion.** Commissioner Livermore noted that, once sold, the land would never revert to public use again. He commented that Carson City is well known for its viewshed and open space, and advised he would support Commissioner McKenna’s motion. Commissioner Herst expressed support for the motion, and the opinion that the development will not create affordable housing. Commissioner Davis inquired as to the possibility of the property being sold to a developer and the City losing all of its open space if the SPA is not approved. Mr. Wertz advised there is no developer in mind. The Division of State Lands is simply attempting to gain a land use designation similar to that which is on adjacent property. “The timing of any action is still a few years out no matter what was decided to do with the land.” Mr. Wertz advised that past concerns of legislative representatives have indicated the value of land would only increase and that the Division of State Lands should retain it. In response to a question, Mr. Suglia provided direction regarding the motion. **Commissioner McKenna amended his motion to reject the plan, recommend to keep the area as open space, and ask the Board of Supervisors to work with the legislature to keep it that way. Commissioner Felesina continued his second.**

Commissioner Patton expressed appreciation for some of the comments, and discussed the commission’s charge to advise the Board of Supervisors regarding parks, recreation, and trails. He noted that the subject item had been previously acted on by the Open Space Advisory Committee, and that it would be forwarded

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to the Planning Commission and the Board of Supervisors to decide, from a policy standpoint, whether development is advisable. He advised he would have been more comfortable limiting review of the item to that which is within the purview of this commission. In reference to Commissioner Davis' comments, he expressed concern over rejecting the proposed SPA document and the potential ramifications. He read language from the "Issue Summary Questions and Answers" document, included in the agenda materials, into the record. He reiterated the concern that the contemplated action was beyond the commission's scope and authority. Commissioner McKenna thanked Messrs. Plemel, Wertz, and Krahn for their presentation. Chairperson Curtis called for a roll call vote on the motion. The results were as follows: Keeton - no; Patton - no; McKenna - yes; Herst - yes; Hoffman - yes; Livermore - yes; Davis - no; Felesina - yes; Curtis - no. **Motion carried 5-4.**

In response to a question, Mr. Plemel advised the commission's recommendation would be forwarded to the Planning Commission which will, in turn, provide a recommendation to the Board of Supervisors as the final decision maker on all master plan amendments. He responded to questions regarding the approval process. In response to a further question, he advised that if the SPA document is approved, the parks, recreation, and trails element would most likely not be resubmitted to the commission. Any future development proposal would be submitted to the commission. Chairperson Curtis thanked staff and the citizens for their attendance and participation. She recessed the meeting at 7:11 p.m.

2-B. DISCUSSION AND POSSIBLE ACTION REGARDING A REVIEW OF THE PARKS AND RECREATION COMMISSION BYLAWS (7:23:22) - Chairperson Curtis reconvened the meeting at 7:23 p.m., introduced this item, provided background information with regard to the same, and advised of the requirement to approve a final version of the bylaws at the next commission meeting. She acknowledged the bylaws included in the agenda materials contained previously approved revisions. In response to a comment, Commissioner Davis advised of having reviewed the bylaws. Commissioner McKenna moved to accept previously approved changes. Commissioner Livermore seconded the motion. Mr. Suglia provided direction with regard to the motion. Commissioner McKenna withdrew his motion and Commissioner Livermore withdrew his second. **Vice Chairperson Hoffman moved to approve the bylaws according to what was agreed to by the commission at the February 15, 2005 meeting, as follows: (1) replace the word "chairman" with the word "chair" throughout the document; (2) under item 1, Meetings, insert that only one meeting will be held in December on the first Tuesday of that month; (3) under item 5(c), change the second sentence to, "an item must be agendized if requested by three or more commissioners; and (4) under item 8, Amendment, add "rds" directly after "2/3". Commissioner Keeton seconded the motion. Motion carried 9-0.** Mr. Moellendorf agreed to rewrite the bylaws, with changes approved at this meeting, and to agendize the same for action at the next commission meeting.

3. NON-ACTION ITEMS:

REVIEW OF FYI ATTACHMENTS (7:28:34) - Mr. Moellendorf reviewed the FYI items, included in the agenda materials, particularly the presentation and resolution regarding former Commissioner Donna DePauw's service and the article by Brent Tippets from the November / December edition of *Nevada Recreation and Park* magazine. Chairperson Curtis pointed out the article from *Nick Jr. Family* entitled "The Family Gym Grows Up."

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STATUS REPORTS AND COMMENTS FROM STAFF (7:30:54) Mr. Moellendorf reported on the meeting, attended by himself, Ms. Singer, WNCC and Division of State Lands staff, to discuss the proposed WNCC site for the recreation center. He advised that the nature of the discussion was preliminary, and that another meeting is scheduled for March 1st at which State Legislators, WNCC staff, and Commissioner Livermore will be present. Mr. Moellendorf reported on a tour of recreation facilities in Reno and Sparks, in which he participated with Recreation Division staff earlier in the day. He advised that some of the facilities were privately owned. He commended the maintenance efforts of Parks and Recreation Department staff. He acknowledged Carson City may not have the most modern facilities, but advised they are “extremely well taken care of.” Mr. Moellendorf advised that City staff is currently involved in the annual budget process. The initial CIP Committee meeting has already taken place, and it appears “money will be very tight” for this year’s capital improvements projects. Mr. Moellendorf further advised that Recreation Division staff is working very closely with Information Services staff to design an on-line program registration process. He discussed benefits of the on-line process, and expressed the hope the system will be available as early as April 2006. Mr. Moellendorf advised he has been working with the JohnD Winters family to schedule a formal dedication of JohnD Winters Centennial Park. April 27 or 28 has been tentatively scheduled, and Mr. Moellendorf advised he would keep the commission apprised. In response to a question, he advised that this year’s Arbor Day falls on April 28th.

Mr. Moellendorf advised that Parks staff met with the Fairgrounds Users Coalition on January 30th, and that a consensus agreement on a plan for the park was reached. He provided details of the meeting, and advised that the plan will be submitted to the Bodine’s developer. The plan will be presented to the commission after a formal agreement is drafted. In response to a question, Mr. Moellendorf advised that the plan encompasses both Fuji Park and the Fairgrounds. Mr. Moellendorf reported on the Nevada Recreation and Park Society Conference held in Reno last week. He advised that most of the Parks and Recreation Department staff attended as well as several commissioners. He further advised that Chairperson Curtis has written a report which will be included in the next commission meeting materials.

STATUS REPORTS, COMMENTS, AND CONCERNS FROM COMMISSIONERS (7:40:45)
- Commissioner McKenna advised of having reviewed a recent newspaper article regarding how well used the Community Center is for theatrical presentations. He noted the need for additional performing arts venues in the community.

FUTURE AGENDA ITEMS FROM COMMISSIONERS (7:41:27) - Commissioner Felesina requested staff to agendize an action item regarding WNCC’s offer to locate the recreation facility on their property. Mr. Moellendorf offered to develop a decision matrix with regard to the recreation center site. He agreed that formal action should be taken regarding WNCC’s offer. A brief discussion took place with regard to the timing of agendizing an action item.

FUTURE AGENDA ITEMS FROM STAFF (7:44:20) - Mr. Moellendorf advised of a joint meeting between this commission and the Planning Commission, scheduled for Tuesday, February 21st, to review the Unified Pathways Plan. He further advised that final action on the commission’s bylaws would be agendized.

4. ACTION ON ADJOURNMENT (7:45:50) - Commissioner McKenna moved to adjourn the meeting at 7:45 p.m. Commissioner Keeton seconded the motion. Motion carried 9-0.

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The Minutes of the February 7, 2006 Carson City Parks and Recreation Commission meeting are so approved this _____ day of March, 2006.

DONNA CURTIS, Chair