



REGIONAL PLANNING GOVERNING BOARD

MEMBERS
Dave Aiazzi, Chair
Bonnie Weber, Vice-chair
Mike Carrigan
Robert A. Cashell
Dwight Dortch
Jim Galloway
Pierre Hascheff
Robert Larkin
Geno Martini
Ron Schmitt
Rosanna Coombes, Director

MINUTES
REGIONAL PLANNING GOVERNING BOARD (RPGb)
Regular Meeting
Thursday, July 24, 2008, 2:00 p.m.

The Regional Planning Governing Board met in regular session in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Geno Martini at 2:07 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Geno Martini, David Aiazzi, Mike Carrigan, Robert Cashell, Dwight Dortch, Pierre Hascheff, Robert Larkin, and Kitty Jung for Bonnie Weber. Members absent: Jim Galloway and Ron Schmitt.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Rosanna Coombes, Director of Regional Planning; Norman Azevedo, Legal Counsel; Patricia Rogers; Kristine Bunnell, and Joy Randall.

2. ELECTION OF OFFICERS

A. Election of Chair (Reno member)

MEMBER CASHELL MADE A MOTION TO ELECT DAVE AIAZZI AS CHAIR, SECONDED BY MEMBER LARKIN. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

B. Election of Vice-chair (Washoe County member)

MEMBER LARKIN MADE A MOTION TO ELECT BONNIE WEBER AS VICE-CHAIR, SECONDED BY MEMBER JUNG. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

3. APPROVAL OF AGENDA

MEMBER DORTCH MADE A MOTION TO APPROVE THE AGENDA, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

4. SALUTE TO THE FLAG

Member Jung led the Pledge of Allegiance.

5. APPROVAL OF MINUTES

- A. May 8, 2008
- B. June 12, 2008

MEMBER LARKIN MADE A MOTION TO APPROVE THE RPGB MINUTES, SECONDED BY MEMBER CASHELL. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

6. PUBLIC COMMENT

None

7. BUSINESS OF THE DAY

- A. Consideration of and possible action on the 2009 legislative session strategy, including but not limited to:
 - 1) adoption of the legislative interlocal memorandum of understanding (MOU),

MEMBER DORTCH MADE A MOTION TO APPROVE, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- 2) hiring an external lobbyist, and
- 3) possible budget amendments to support the legislative strategy

Patricia Rogers, Government Relations-Community Outreach Representative, reviewed information included in the staff report. Rosanna Coombes, Director of Regional Planning, recommended forming a legislative subcommittee of the RPGB again.

There was discussion regarding the need for a lobbyist and Ms. Coombes reviewed budget options.

Chair Aiazzi asked that this be put on the next meeting's agenda and that staff provide a list of who other entities in Washoe County are using for the legislative session.

- B. Status report on the RPGB and RTC Subcommittees on Collaboration and Governance, including but not limited to possible action on appointment of alternates.

Kristine Bunnell, Senior Planner-Long Range and Community Relations, reported on actions of the subcommittees and asked that the RPGB appoint an alternate, if desired.

MEMBER CASHELL MADE A MOTION TO APPOINT MEMBER DORTCH AS AN ALTERNATE MEMBER TO THE RPGB COLLABORATION AND GOVERNANCE SUBCOMMITTEE, SECONDED BY MEMBER HASCHEFF. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- C. Local government status report regarding detailed recommendations for the implementation of concurrency.

Ms. Coombes stated that John Hester could not be here and reviewed information in the status report provided by Mr. Hester.

MEMBER MARTINI MADE A MOTION TO ACCEPT THE REPORT, SECONDED BY MEMBER LARKIN.

Member Hascheff asked if another status report is needed sooner than in three months. Ms. Coombes responded that staff can ask the entities for another status report in September if the RPGB would like one.

Adrian Freund, Washoe County, stated that one item that has been a timeline issue is the approval by the Western Regional Water Commission of the Master Facilities Plan. Mr. Freund stated that is not expected until September at the earliest.

Member Hascheff asked if the next time the RPGB would see this is October. Ms. Coombes responded that is correct.

THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

8. ADMINISTRATION

- A. Consideration and possible action on required communication received from Kafoury, Armstrong & Co., auditors for fiscal year ending June 30, 2008.

Joy Randall, Administrative Services Manager, reported on changes to the auditing standards and stated that the auditor was available to answer questions. There were no questions.

9. REPORTS

- A. Members' and Director's reports.

None

- B. Legal Counsel's Report

- 1) Status report and direction to staff on a petition for writ of mandate or judicial review regarding the Regional Planning Commission's determination of conformance (February 13, 2008) of the City of Reno's Master Plan (CR07-035) filed in the Second Judicial District Court by Rancho Haven Residents For Sensible Growth, Sandy McGill, Erik Holland, Progressive Leadership Alliance of Nevada, Citizens for Cold Springs, Frank Schenk adv. Regional Planning [sic] Commission, Truckee Meadows Regional Planning Agency (CV08-00611) on March 10, 2008.

Member Hascheff disclosed that he does work for the principals for Spring Mountain and asked Legal Counsel if he needed to be recused for this agenda item. Legal Counsel responded that it would be okay for Member Hascheff to stay and listen to the report.

Norm Azevedo, Legal Counsel, reported on the current status of this litigation and stated that when he hears back from the court he will report back to the RPGB.

- 2) Status report and direction to staff regarding initiative petitions described as follows:
 - a) The Truckee Meadows Regional Plan shall be amended to reflect and to include a policy or policies requiring that local government land use plans be based upon and in balance with identified and sustainable water resources available within Washoe County; and,

Mr. Azevedo stated that this initiative has one significant procedural issue that would impact the RPGB. Mr. Azevedo reviewed the process that will be before Washoe County. Washoe County will have a hearing to address this initiative. If at that hearing the County Commission decides to adopt an ordinance consistent with the petition, the ordinance will be adopted. If the County Commission does not take any action, according to the statutes, the item is put on the November ballot.

Mr. Azevedo stated that if one of the local governing bodies participating on the RPGB is deemed to have the legal ability to adopt an ordinance unilaterally and mandate an amendment to the Regional Plan, it appears that would be abrogating the process of regional planning by allowing one body to dictate to the region an outcome to the Regional Plan.

Mr. Azevedo recommended that if it is decided to file a judicial review, do it sooner rather than later because in the election process and the initiative process, time runs against you. Mr. Azevedo stated that he is looking for the possibility of having a non-meeting in the future because he would like to articulate his concerns in a pleading and bring it back to the RPGB in an attorney/client meeting.

Member Larkin asked if it is specifically stated in the statute that created the regional planning governing body that no member of the governing entities can enact unilaterally any ordinance that changes or amends the Regional Plan. Mr. Azevedo responded that there is a specific statute with regard to regional planning that says all of the actions of local governments or any participating agencies must conform with the Regional Plan. The statutes that govern this body that dictate the amendment and creation of a regional plan require that each of the members take those decisions collectively and not unilaterally.

Member Larkin asked if an ordinance was enacted that called for an amendment consistent with this petition, would it be inconsistent with state statute. Mr. Azevedo responded that is his opinion.

Member Larkin stated that if citizens were successful in moving this to the ballot in November, and it passes, his understanding is that enacts itself as an ordinance. Member Larkin asked if that ordinance would then be inconsistent with state statutes when it comes to amendments to the Regional Plan. Mr. Azevedo responded that in his opinion there would be a conflict.

Member Larkin asked Mr. Azevedo if he is seeking authorization to come before the Board of County Commissioners to state these reasons. Mr. Azevedo responded that if the RPGB would like him to go before the Board of County Commissioners, he would do that and state these concerns.

Member Carrigan asked Mr. Azevedo if he is suggesting a judicial review. Mr. Azevedo responded that he may ultimately request that action and that right now he would like authority to draft a petition for judicial review, have the Director schedule a non-meeting of the RPGB to discuss it, and then have a public meeting for direction to file the petition. Mr. Azevedo stated that August 14 is about as long as we can go in this process. Mr. Azevedo also stated that if it is the RPGB's determination, he will appear before the Board of County Commissioners to articulate the concerns.

Member Larkin stated that the Board of County Commissioners will not be meeting on the 12 and that this would most likely be agendaized for their August 19 meeting.

Member Martini asked if the non-meeting would need to be held prior to the regular RPGB meeting or if that would be enough time. Mr. Azevedo responded that at this time that would be fine but that he would like to reserve the right to accelerate that.

Member Dortch asked if the RPGB could authorize Mr. Azevedo today to move forward with this as he deems appropriate and still have the attorney/client meeting just to review the documents that he wants to file. Mr. Azevedo responded that is another option and that is fine.

MEMBER DORTCH MADE A MOTION TO AUTHORIZE MR. AZEVEDO TODAY TO MOVE FORWARD WITH THIS AS HE DEEMS APPROPRIATE AND STILL HAVE THE ATTORNEY/CLIENT MEETING JUST TO REVIEW THE DOCUMENTS HE WANTS TO FILE, SECONDED BY MEMBER MARTINI.

Chair Aiazzi asked Mr. Azevedo who has standing for this judicial review. Mr. Azevedo responded that the statute NRS 295.105 is not clear on standing. This particular topic does dictate RPGB process. Other parties could have standing of judicial review for different ground.

Chair Aiazzi asked what impact this would have on regional planning if it passed through normal channels. Mr. Azevedo responded that his concerns do not go to the substance but to the issue of whether or not one body can mandate or adopt an ordinance that directs the Regional Plan to do something.

Member Hascheff asked Mr. Azevedo if he is looking to get the process started, come to the RPGB with attorney/client advice, and then schedule a meeting to get authority to move forward with the petition. Mr. Azevedo responded that was what he originally recommended but the current motion goes a different direction giving authority to move forward and have the attorney/client meeting after the fact.

Member Hascheff stated that he would rather hear from Mr. Azevedo on the pros and cons before making a decision to file.

Chair Aiazzi asked if there were any more questions on the motion on the floor for pre-approval.

Member Dortch clarified that his motion was that Mr. Azevedo could move forward as he deems appropriate after the attorney/client meeting. That would mean that if Mr. Azevedo does not want to move forward with the judicial review at that time, he would not have to. Member Dortch asked Mr. Azevedo if that is okay. Mr. Azevedo responded that was his understanding.

There was some discussion regarding timing requirements. It was decided to have the attorney/client meeting just prior to a Special RPGB meeting on August 7.

Member Dortch withdrew his motion.

- b) To ensure a compact urban form and the efficient extension of city infrastructure and services, the Truckee Meadows Regional Plan shall be amended to require that in Washoe County voluntary annexations must be: (A) coterminous by no less than 15% directly or through a separating element as identified in NRS 268.670, to a boundary of the annexing city; (B) capable of being developed for urban purposes; and (C) an incremental expansion outward from a city's urban core

Ms. Coombes advised the RPGB that she heard from the County that there were not enough signatures provided for this initiative petition to proceed and that it will not be on the ballot this Fall.

10. REQUESTS FOR FUTURE AGENDA ITEMS

- A. Consideration and possible action on calendar of agenda items
- B. Members' and director's requests for agenda items

Member Larkin stated that the RPGB needs to be more proactive on this water issue and asked the Director to start thinking about what components of future water sources or options policies need to be incorporated into the Regional Plan.

Chair Aiazzi gave direction to include the water and undergrounding issues on the next agenda.

11. WRITTEN CORRESPONDENCE

None

12. ADJOURNMENT

MEMBER DORTCH MADE A MOTION TO ADJOURN AT 2:53 P.M., SECONDED BY MEMBER CARRIGAN. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

Reviewed by:

Approved by:

Rosanna Coombes, Director
Truckee Meadows Regional Planning Agency

Dave Aiazzi, Chair
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON _____, 2008.



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Rosanna Coombes, Director

MINUTES
REGIONAL PLANNING GOVERNING BOARD (RPGB)
Special Meeting
Thursday, August 7, 2008, 2:30 p.m.

The Regional Planning Governing Board met in a special session in the City of Reno Council Chambers, One East First Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Chair Dave Aiazzi at 2:36 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: David Aiazzi, Mike Carrigan, Robert Cashell, Dwight Dortch, Robert Larkin, and Geno Martini. Member Bonnie Weber arrived at 2:42 p.m. Members absent: Jim Galloway, Pierre Hascheff, and Ron Schmitt.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Rosanna Coombes, Director of Regional Planning; Norman Azevedo, Legal Counsel; Patricia Rogers; Kristine Bunnell, and Joy Randall.

2. APPROVAL OF AGENDA

MEMBER MARTINI MADE A MOTION TO APPROVE THE AGENDA, SECONDED BY MEMBER CASHELL. THE MOTION CARRIED UNANIMOUSLY WITH SIX (6) MEMBERS PRESENT.

3. SALUTE TO THE FLAG

Member Larkin led the Pledge of Allegiance.

4. PUBLIC COMMENT

Cathy Brandhorst made comments regarding death row.

5. BUSINESS OF THE DAY

- A. Consideration and possible action regarding direction to legal counsel to file a request for judicial review on the initiative petition described as follows:
- 1) The Truckee Meadows Regional Plan shall be amended to reflect and to include a policy or policies requiring that local government land use plans be based upon and in balance with identified and sustainable water resources available within Washoe County

Chair Aiazzi disclosed that the attorney/client meeting planned for today was cancelled. Chair Aiazzi stated that he and the Vice-chair met with the attorney yesterday and it was decided that there was no information that the attorney would provide that could not be presented in public.

Norm Azevedo, Legal Counsel, briefly reviewed the history of this item.

[Member Weber arrived at 2:42 p.m.]

Mr. Azevedo stated that the statute indicates that in the event that the Board of County Commissioners (BBC) does not adopt the ordinance within 30 days from the date of the certification of sufficiency, the initiative petition will go to the voters of Washoe County at the next election, which is November 4. Mr. Azevedo stated that the BCC's next regularly scheduled meeting is August 19, 2008, and that he does not think they could adopt the ordinance in time to take it off the ballot. Mr. Azevedo stated that this is based on his interpretation of the statute.

Mr. Azevedo stated that one of the questions raised was if the initiative goes to a vote of the people, is the legal standard looking at that initiative different than if it were adopted by the BCC. There is Supreme Court guidance on this topic that initiative petitions of this nature, whether they are approved by the citizens through a general election or the ordinance is adopted by the respective locality, the standard is the same; they cannot conflict with state statute.

Mr. Azevedo stated that there are specific judicial remedies that the RPGB could take to address the procedural defect. The language in the initiative itself suggests that the Regional Plan would be required to be amended to meet the terms of the ordinance contemplated in the initiative. There is no detail specifically as to what the citizens are looking for in the amendments. If the ordinance is adopted, we lack the requisite detail to know what is missing from the Regional Plan that these particular citizens think should be there. Mr. Azevedo recommended that the RPGB direct Regional Planning staff to meet with the sponsors of the initiative to see what specifically they are looking for.

Mr. Azevedo stated that another question that has been raised was regarding the possibility to withdraw the petition if an agreement can be reached. There is a process in statute for withdrawal of a petition. There is no standard by which a petition is to be withdrawn with the exception that the parties who sponsored it must agree to withdraw it within a specified timeframe. The timeframe is set forth in the statute which gives alternative timelines. One is based on the general election timing, which is November 4, and the other is a timeline that specifically is known by the Washoe County registrar. Mr. Azevedo stated that he did attempt to obtain that timeline. An email from the registrar stated that the last time to withdraw was June 27, 2008. Mr. Azevedo stated that he could not reconcile that with state statute.

Mr. Azevedo stated that if this initiative is passed by the voters and it does contain the offending language that enables one participating local government to adopt an ordinance to mandate an amendment to the Regional Plan, this body can at that time evaluate what judicial remedies, if any, you would like to follow.

Cathy Brandhorst made comments regarding stealing property.

Bob Fulkerson spoke about the petition and stated that the question should be placed on the ballot. Mr. Fulkerson also stated that he is open for dialogue with Regional Planning staff.

Don Weber asked what the parameters are for a government organization to oppose a petition for addressing grievances.

Lisa Stiller expressed appreciation for being able to open a dialogue and asked that the democratic process continue to be respected.