



REGIONAL PLANNING GOVERNING BOARD

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John Breternitz, Chair
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Dave Aiazzi
Mike Carrigan
Robert A. Cashell

Dwight Dort
Pierre Hasch
Robert Lark
Geno Mart
Bonnie Web

Rosanna Coombes, Director

LIAISON – Dan Carne, WCSD Board of Trustees

MINUTES

REGIONAL PLANNING GOVERNING BOARD (RPGB)

Regular Meeting

Thursday, May 13, 2010, 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 John Breternitz at 2:05 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: John Breternitz, Ron Schmitt, Dave Aiazzi, Mike Carrigan, Robert Cashell, Robert Larkin, Geno Martini, and Bonnie Weber. Members absent: Dwight Dortch and Pierre Hascheff.

Truckee Meadows Regional Planning Agency (TMRPA) staff present: Rosanna Coombes, Director of Regional Planning; Norman Azevedo, Legal Counsel; Peter Gower; Paige Menicucci; Joy Randall; Sienna Reid; and Patricia Rogers.

2. APPROVAL OF AGENDA

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

3. SALUTE TO THE FLAG

Member Carrigan led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

A. April 15, 2010

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

5. PUBLIC COMMENT

None

6. BUSINESS OF THE DAY

- A. Consideration of an appeal, filed by Voters for Sensible Growth, Erik Holland, Toby Wiedenmayer, and Alissa Wilmet, to the Regional Planning Governing Board of the Regional Planning Commission's decision on October 28, 2009, that the Commission lacks jurisdiction to hear an appeal filed by *Voters for Sensible Growth, and Erik Holland adverse the City of Sparks regarding the annexation of territory 6 miles east of current Sparks City limits* (TMRPA Case AP-09-001).

[The public hearing was opened.]

Chair Breternitz stated that written comments were submitted by Alissa Wilmet and Bill Hammer.

[The public hearing was closed.]

Peter Gower, Senior Planner, reviewed information included in the staff report regarding the case.

Norm Azevedo, Legal Counsel, stated that he offered legal advise to the Regional Planning Commission (RPC) that this matter does not properly belong before this administrative body. Mr. Azevedo stated that the parties will be arguing that point to the RPGB. Mr. Azevedo respectfully submitted that these matters on annexation questions belong in district court and not in this administrative body.

Presentation by Petitioners:

Erik Holland expressed concern regarding non-contiguous annexation and stated that he is here today to convince the government that it has jurisdiction over its own actions.

Presentation by Respondents:

Doug Thornley, Sparks Deputy City Attorney, presented information supporting the position that this matter belongs in district court.

Rebuttal by Petitioners:

Mr. Holland provided a rebuttal and stated that the RPGB should send this back to the RPC and have a debate.

Rebuttal by Respondents:

Mr. Thornley provided a rebuttal stating that this debate is being held in district court and that the decision of the RPC should be affirmed.

Mr. Azevedo recommended that the RPGB affirm the decision of the RPC.

Member Martini asked if the Regional Planning Director or the Regional Planning Agency (RPA) Attorney could have turned this down and not had it heard in front of the RPC. Mr. Azevedo responded that under the RPGB bylaws, neither the Director or the Attorney have any decision-making authority. Mr. Azevedo also stated that the RPGB could direct the Director to adopt regulations or bylaws that would empower the Director to do so.

There was discussion among the Board members regarding the case and the claim that NRS was violated with regard to annexations.

MEMBER MARTINI MADE A MOTION TO DENY THE APPEAL, SECONDED BY MEMBER

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

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

Sienna Reid, Regional Planner, reviewed information included in the staff report.

Jim Rundle, City of Sparks, presented a status report for the City of Sparks.

7. ADMINISTRATIVE

- A. Consideration and possible adoption of various administrative changes in support of the FY 10-11 budget, including, but not limited to:

- 1) Status report on the TMRPA's revised office schedule for FY 10-11

Joy Randall, Administrative Services Manager, reviewed information included in the staff report regarding the revised office schedule.

Member Weber asked about the days the office will be closed that are connected to holidays. Ms. Coombes explained that the days the office is scheduled to be closed were selected because they would have the least impact on services.

MEMBER MARTINI MADE A MOTION TO APPROVE THE TMRPA REVISED OFFICE SCHEDULE, SECONDED BY MEMBER SCHMITT. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- 2) Possible approval and direction to the chair to sign an interlocal contract to allow TMRPA to join the Nevada Public Employees' Nevada Deferred Compensation Program

Ms. Randall reviewed information included in the staff report.

MEMBER CASHELL MADE A MOTION TO ADOPT THE INTERLOCAL CONTRACT, SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

8. REPORTS

- A. Members' and Director's reports

- 1) Consideration and possible acceptance of individual annual reports submitted by local governments and affected entities pursuant to subsection 1 of NRS 278.0286

MEMBER AIAZZI MADE A MOTION TO ACCEPT THE LOCAL GOVERNMENT AND AFFECTED ENTITY ANNUAL REPORTS SUBMITTED, SECONDED BY MEMBER WEBER. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

- 2) Presentation of information regarding the statutory relationship of the Reno-Tahoe Airport Authority and Truckee Meadow Regional Plan and history of prior airport-related conformance reviews

Mr. Gower reviewed information included in the staff report.

There was discussion regarding the requirements for conformance review of the Reno-Tahoe Airport Authority (RTAA) Master Plan. Member Larkin stated that the last conformance review of the Reno-Tahoe International Airport (RTIA) Master Plan was in 1992. Member Larkin asked for an explanation of the relationship of the Master Plan to the Regional Center Plan, which is an element of the City of Reno's Master Plan. Ms. Coombes provided an explanation. Mr. Azevedo stated that the RPGB does not have any police powers like local jurisdictions do on their planning matters.

Public Comment – John Howitt expressed concern about the RTAA's lack of concern for the law and regional planning.

Public Comment – Stephen Mollath, Special Legal Counsel for the RTAA, stated that the RTAA recognizes the legal obligations it has. Mr. Mollath stated that they are in the process of formulating a Master Plan for the RTIA.

There was discussion regarding jurisdiction of and requirements for future plans at the airport as well as discussion regarding other affected entity conformance review submittals. There was also discussion regarding public input with regard to the RTIA Master Plan.

Member Larkin stated that since the RTAA and the RSCVA are both so far out of compliance, they will need some direct guidance. Member Larkin stated that he would direct Regional Planning staff to become involved as closely as possible with direct supervision of both of these entities. Chair Breternitz asked the RPGB members if there was any problem with that direction. There was no further comment.

Chair Breternitz called a recess at 3:22 p.m. for a non-meeting prior to the next agenda item.

[The meeting was called back to order at 3:59 p.m.]

B. Legal counsel's report

- 1) Status report and direction to legal counsel, and possible action to approve a stipulation regarding a petition for judicial review pursuant to NRS 278.0233 and declaratory relief filed in the Second Judicial District Court of the State of Nevada by Sally S. Weston and Craig R. Hopkins as Co-Trustees of the Cavalier Trust under trust agreement dated May 16, 1995, as amended and restate December 1, 2004, or thereafter; Lee T. Weston II, as Trustee of the Lone Pine Trust adv. Truckee Meadows Regional Planning Governing Board [District Court case number CV 09-01642]

Norm Azevedo, Legal Counsel, reviewed the status of the case and recommended that the RPGB give him the authority to file an opposition to the motion to strike and proceed forward with litigation.

MEMBER CARRIGAN SO MOVED, SECONDED BY MEMBER AIAZZI.

Member Weber stated that she was not sure how to look at this vote, as a Washoe County Commissioner or an RPGB member.

THE MOTION CARRIED WITH SEVEN (7) IN FAVOR AND ONE (1) ABSTENTION BY MEMBER WEBER.

Member Larkin asked for a reason for the abstention. Member Weber responded that she is still not confident that she knows why she would be voting a certain way.

9. REQUESTS FOR FUTURE AGENDA ITEMS

A. Consideration and possible action on calendar of agenda items

Ms. Coombes reviewed information included in the staff report regarding future agenda items.

[Member Cashell left at 4:02 p.m.]

B. Members' and director's requests for agenda items

None

10. WRITTEN CORRESPONDENCE

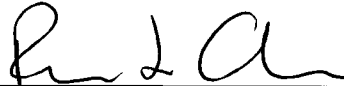
None

11. ADJOURNMENT

MEMBER AIAZZI MADE A MOTION TO ADJOURN AT 4:05 P.M., SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

Reviewed by:



Rosanna Coombes, Director
Truckee Meadows Regional Planning Agency

Approved by: 

John Breternitz, Chair
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON
6/10, 2010.