



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 (RPGGB)
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.

Bill Fine stated that the people should be allowed to vote on this.

MEMBER MARTINI MADE A MOTION TO ACCEPT THE RECOMMENDATIONS OF THE ATTORNEY, SECONDED BY MEMBER CARRIGAN.

Member Carrigan asked if there would be for and against language on the ballot and who would write that. Member Carrigan stated that he wants to make sure that the people know that there may be some kind of legal challenge. Mr. Azevedo responded that there would be for and against language and that Regional Planning staff can participate in that process.

Chair Aiazzi stated that the ballot goes to the printer on September 5 and if something is able to be worked out and it is possible to take it off the ballot, it would have to be done by September 5. Chair Aiazzi asked who the five people are that filed the petition. Mr. Azevedo stated that he would contact the registrar to get a list of the individuals who filed the petition.

Chair Aiazzi asked if a special RPGB meeting would have to be called to address that. Mr. Azevedo responded that is most likely.

Member Cashell asked if Regional Planning staff will handle the negotiations. Chair Aiazzi responded yes.

THE MOTION CARRIED UNANIMOUSLY WITH SEVEN (7) MEMBERS PRESENT.

6. WRITTEN CORRESPONDENCE

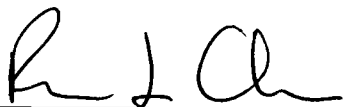
Rosanna Coombes, Director of Regional Planning, stated that there is written correspondence included in the meeting packet elated to agenda item 5.

7. ADJOURNMENT

MEMBER DORTCH MADE A MOTION TO ADJOURN AT 3:00 P.M., SECONDED BY MEMBER CARRIGAN. 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:



Dave Aiazzi, Chair
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON
9/11, 2008.