

**BOARD OF COUNTY COMMISSIONERS,  
WASHOE COUNTY, NEVADA**

**RETREAT**

MONDAY

8:30 A.M.

JANUARY 7, 2008

PRESENT:

**Bob Larkin, Chairman**  
**Bonnie Weber, Vice Chairman\***  
**Jim Galloway, Commissioner**  
**David Humke, Commissioner\***  
**Kitty Jung, Commissioner**  
  
**Katy Singlaub, County Manager**  
**Melanie Foster, Legal Counsel**  
**Jan Frazzetta, Deputy Clerk**  
**Erica Olsen, Facilitator**

The Board met at a retreat with Washoe County Department Heads at the Ranch House at Rancho San Rafael Regional Park, located at 1595 North Sierra Street, Reno, Nevada. Chairman Larkin called the meeting to order at 8:45 a.m. and the following discussions ensued:

**08-01      AGENDA ITEM 1 - PUBLIC COMMENT**

There was no response to the call for public comment.

**08-02      AGENDA ITEM 2**

**Agenda Subject: “Washoe County Communication Policy: Discussion and possible direction to staff on the Draft Washoe County Communication Policy.”**

Katy Singlaub, County Manager, stated the Board reviewed the Washoe County Draft Communication Policy at retreats before. She thought it would be a good idea to bring it forward again to provide guidance for staff members. She explained the importance of how Commissioners should communicate to staff and other Board members and how staff should communicate with Commissioners and citizens. For example, some Commissioners wanted to address citizens directly and it had been a past practice that if a citizen emailed a Commissioner through the County’s website, staff would respond and copy the Commissioner. However, Commissioner Jung preferred to answer citizens directly. Ms. Singlaub believed the Communication Policy would alleviate confusion as to who had what information and which staff members would be working on an issue to avoid duplication of efforts.

**8:46 a.m.** Commissioners Weber and Humke arrived.

Ms. Singlaub reiterated the importance for staff and the Commissioners to have a clear understanding of what the expectations were and to allow her to hold staff accountable. She in turn would be made aware of issues, problems and concerns, could determine if there were patterns, and if there was more information than an individual staff member might know. She was looking to solve constituent's concerns in a timely manner and make sure other Commissioners were aware of any problems.

Commissioner Weber stated she felt it was important to have a policy in place and allow Commissioners to communicate effectively with staff and the Manager. She stated it was important that each Commissioner abide by the policy and for it to be reviewed on an annual basis.

Commissioner Weber stated her concerns with regard to repeated usage of words within the document and felt some or most of the words could be deleted and replaced by one word that described the intent. The Policy stated under item 1.4 that any Commissioner could request an item to be put on an agenda; however, she felt it was more beneficial to have that done at an open meeting. She brought up her concerns with regard to item 1.5 wherein it stated the Chairman or Vice Chairman would address issues regarding communication protocols. She requested clarification of that item.

Commissioner Galloway stated he thought the intent of the Policy was fine; however, he had a concern with item 1.3 regarding the Commissioners not being allowed to communicate with one another outside of an open meeting. Not all issues would end up on an agenda and another Commissioner might have some views and knowledge that would be beneficial. He explained he used a disclaimer on his communications that stated his views did not reflect the views of the other Commissioners or the County. He would like to see the Policy address a disclaimer. He did not want to see management try to control and stop the Commissioners from communicating.

Ms. Singlaub stated she would work to improve the language under item 1.3 by emphasizing the intent of debating, deliberating, reaching agreement, or determining how another Commissioner would vote.

Commissioner Weber stated if staff responded because the communication came in on the County's website, some times that was enough and the Commissioners did not need to respond individually.

Commissioner Humke stated that everyone in the County understood the Board was a collaborative body and there could be several views on an issue, but action would only be taken at a public meeting. He thought a master disclaimer was not necessary but, if an individual Commissioner wanted to disclose that information to a constituent, that was fine.

Commissioner Galloway stated he recently received a copy of a letter written by Chairman Larkin concerning a federal land matter. Because the letter was signed by the Chairman, Commissioner Galloway felt that could be misinterpreted to be the official position of the County, which it was not. Commissioner Humke agreed a letter of that nature could contain a disclaimer. Chairman Larkin also agreed and said the letter could contain language stating it was not an official action of the Board.

Commissioner Humke stated a Commissioner should be allowed to contact the Manager's Office and request an item outside of a public meeting, because issues arose outside of public meetings. Ms. Singlaub stated the current policy was that the Manager's Office was not responsible for letting other Commissioners know about an agenda item and this would now instruct staff to let other Commissioners know as soon as possible that a Commissioner added an agenda item to an upcoming meeting.

Commissioner Weber thought item 1.4 tried to say that Commissioners would advise the Manager's Office of an agenda item and then the Manager's Office would contact the other Commissioners to let them know it would be on an upcoming agenda. Ms. Singlaub stated that was correct and the wording could be changed to clearly state that. She stated she could add to item 1.4 that, "any Commissioner may place an item on the agenda by contacting the Manager's Office; all Commissioners would be advised by the Manager's Office as soon as possible."

Chairman Larkin stated his concern was whether item 4 was a change in the Commissioner's rules and procedures or was it truly a communication issue. Ms. Singlaub stated the Commissioners would still have the opportunity to place an item on the agenda at an open meeting, along with notifying the Manager's Office. She said she could clarify the language by adding, "Any Commissioner could place an item on an agenda by so requesting during an open meeting or by contacting the Manager's Office." Commissioner Weber stated she felt comfortable with the change as it notified the public that the Board had two opportunities to place items on an agenda.

Melanie Foster, Legal Counsel, went on to discuss item 1.3 because it was a good deal more restrictive than the Open Meeting Law requirements. The Policy language would prohibit the number of activities that were currently legal and allowable. She informed the Board they could adopt this policy, but she wanted them to be aware they legally did not need to restrict their communication to this level. Commissioner Galloway inquired if there was a way to change the wording to read, "...on any matter pending before the Board of an official matter." Ms. Foster replied that it should say "any matter that could come within their purview." She stated the Attorney General's Office extensively opined what kind of communication was allowable. What was prohibited was communication amongst a quorum of a public body that involved deliberation pending towards a decision. There was nothing prohibiting two members of this body having a discussion with regard to a matter within their purview. What was prohibited was an attempt at a serial communication to gather a quorum to determine how a vote would be made. She stated she would work with the language of item 1.3 to make that point clear.

In response to Chairman Larkin, Ms. Singlaub replied the intent of item 1.3 was to protect the Board from doing anything that might be improper. She thought the language could be changed to state, "The Commissioners will not communicate with each other outside a public meeting either in a quorum or through serial communication for the purposes of debating, deliberating, reaching agreement or determining how another Commissioner will vote on any matter that could reasonably come within the purview of the Board's authority."

Commissioner Humke believed item 1.3 should be deleted and replaced with language stating communication amongst Commissioners would be reserved for future development. His reason was that Ms. Foster and Ms. Singlaub both communicated that this was a fast moving area of administrative law. Ms. Singlaub felt it would not be wise to be silent regarding communication by Commissioners outside of public meetings and a simple statement could read, "Communication amongst Commissioners outside of public meetings will comply with the Nevada Open Meeting Law."

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion carried unanimously, it was ordered to change the language under item 1.3 to state, "Commissioners will not communicate with each other outside of public meetings either in a quorum or in serial communication for the purpose of debating, deliberating, reaching agreement or determining how another Commissioner will vote on any matter that could reasonably come within the purview of the Board's authority in order to comply with the Nevada Open Meeting Law and avoid any appearance of impropriety." It was further ordered that this was subject to revision as necessary by Legal Counsel.

Commissioner Weber inquired again about the language under item 1.5 wherein it stated the Chairman will address any issues or concerns regarding communication protocols involving other Commissioners. Ms. Singlaub stated the intent was to clarify that it was not the Manager's or staff's job to talk to Commissioners about communication protocol. She felt it was more appropriate for the Chairman or the Vice Chairman to speak with a fellow Commissioner if warranted.

**08-03            AGENDA ITEM 3**

**Agenda Subject: "Legislative Issues: Discussion, identification of issues and possible direction to staff on 2008/09 Washoe County Legislative Platform issues."**

Katy Singlaub, County Manager, stated the Board was provided with a review of the County's 2007 Legislative Platform Issues and a list of the Interim Studies/Committees (ISC) that were currently meeting. She wanted to take this opportunity for the Board to provide guidance on issues they may have heard about that could become issues for legislative action.

Commissioner Jung inquired if Washoe County staff were present to monitor discussions at any of the ISC meetings. John Slaughter, Management Services Director, explained the agendas were monitored for all the committees and, where needed, there would be staff or lobbyists in attendance or monitoring through video conference. Commissioner Jung inquired how information gathered at those meetings would be given to the Board. Mr. Slaughter explained the County Manager would be notified if there was an issue of interest and, if necessary would advise a Commissioner to be present at a meeting, or would determine if the item should be brought before the entire Board.

Commissioner Jung stated there were laws and revisions passed that negatively affected local governments during past legislation, including the ability for developers to receive litigation credits for going "green." She wondered what the County's presence was during those discussions and did the County wave a red flag regarding the impact that would have on local governments. She also inquired if there was a way to have regular updates on the ISC meetings and during actual sessions. Ms. Singlaub stated the County followed that bill and there was only one application in Washoe County, which did not have a detrimental affect on Washoe County. She stated staff conferred with the County's lobbying team regularly and there were regular strategy sessions.

Commissioner Jung stated she would like to have a formal presentation regarding the ISC at Board meetings so they could be informed and aware. Ms. Singlaub concurred by stating she would like to see the updates on a quarterly basis with a brief status report on those issues that might require action.

Commissioner Humke stated with regard to the legislative process, he was very satisfied that the County was well represented on the list of ISC. He believed County staffers and others fit the category of being able to answer questions of Legislators during the ISC meetings.

Chairman Larkin stated with the reduction in the amount of Bill Draft Requests (BDR) allowed by counties, what was the game plan for the upcoming fiscal year. Mr. Slaughter stated Washoe County had been allowed ten BDR's previously, but now were only allowed to propose two. Those BDR's were due to the Legislative Counsel Bureau (LCB) by September 1, 2008. He thought the County needed to be very strategic and judicious about what bill drafts would be brought forward, and he was proposing to have a solid list of BDR proposals by March for review by the Board. He further informed the Board of other associations and entities that had their BDR's reduced. He stated if Washoe County went over the two allowable BDR proposals, the process could change to where the County may not have legislative sponsors to carry those bills forward.

Commissioner Galloway stated he had a road issue within his District and inquired if, since there was a Road Transportation ISC, was there an alternative way of getting action through them rather than through a legislative sponsor. He wondered if that

Committee already decided what they would look at or would they look at a county having a maintenance agreement with private parties to maintain a non-county road if it was in the public's best interest, but still be protected by the \$50,000 liability cap that was enjoyed on County roads.

Mr. Slaughter stated the ISC were all given a set number of programs to bring forward. He thought there might be a possibility of getting into a discussion and propose suggestions for a future BDR if it was something that fit within a particular ISC. Commissioner Galloway inquired if it came out of an ISC, would it have a better chance of passage versus individual legislation. Commissioner Humke replied it depended on the ISC. He explained the ISC's were great for a variety of reasons, some were created to satisfy a Legislator and some were created as a threat to a certain industry.

Chairman Larkin asked the Commissioners to look through the 2007 ISC list and determine if they felt anything listed was no longer relevant and could be deleted or if they had something to add.

Commissioner Galloway stated in view of the recent housing bubble and financial problems that people were in right now, he did not understand why the consumer protection laws that existed in 1950 were no longer available. In 1960, almost every state had laws that prohibited 23 percent interest rates on credit cards. There was a Mortgage ISC; however, he felt people who could not pay their mortgage or credit card payments should be contacting their lender and not waiting for legislation. He thought support of reasonable consumer protection, with regard to interest rates and credit cards, should be added to the Platform.

Commissioner Jung stated she agreed. She was hopeful that when the next session met those kinds of issues would no longer exist. She questioned the statement on the Platform Issues which reported that 60 percent of the 976 children in the Washoe County Welfare system were there because of methamphetamine use in the family. Ms. Singlaub reported that information came directly from Child Protective Services' worksheets. Commissioner Jung stated because of her experience in welfare services in California, that number was probably conservative. Ms. Singlaub stated it was probably closer to 90 percent if all types of substance abuse were considered in the equation.

Commissioner Jung questioned the statement on the Platform Issues with regard to private property rights. Mr. Slaughter stated there was a lot of discussion on this particular issue before and that statement resulted from gathering various ideas. The desire was to strengthen the process that reasonably balanced private property interests and the welfare of the community at large. He stated at that time the County was dealing with eminent domain issues. Commissioner Galloway said he recalled that zoning issues were also a driving force in the creation of that Platform. Commissioner Jung stated she perceived this statement as being great; however, she would like some examples. Melanie Foster, Legal Counsel, stated she believed the statement did not imply that property owners would have the right to do whatever they wanted; they had to fall within the

guidelines and laws of the County with regard to zoning. She also recalled this statement had more to do with eminent domain issues.

Commissioner Humke stated he agreed with Legal Counsel that this statement derived from eminent domain issues; however, the County needed to keep these statements general. Ms. Singlaub stated what staff would like to see was Platform statements that gave them guidance on what to do and would describe what that process might include, such as a reasonable balance between private property interests and the welfare of the community at large. She explained those things could be transparent public processes, which could include objective documentation, findings, and impacts on the welfare of the community.

Commissioner Galloway stated the Platform could also say something about fairness, because there have been several issues with regard to water and private property rights. It could be changed to read, "Strengthening the process that reasonably and fairly balances private property interests and the welfare of the community at large."

Chairman Larkin inquired if franchise fees were still a hot topic or had that issue been resolved. Ms. Singlaub stated she felt it should remain active, because it would remain a topic at the local level. In response to Commissioner Jung, Ms. Singlaub explained the statement created consistency throughout the State, which was agreed upon and was one of the objectives of the folks that were in charge of franchise fees, by not increasing or reducing the revenue that local governments got from franchise fees.

Chairman Larkin inquired if the language under the Infrastructure Platform with regard to water should be changed. Mr. Slaughter stated he felt the Water Resources Director should be present for that discussion because she was so involved in the process. Chairman Larkin stated the language which stated that Washoe County supported the highly successful water resource management efforts of the Department was true, but now that had been incorporated into the new Western Regional Water Commission. He felt while it was good to look at past successes, he believed what this Commission expected of the Western Regional Water Commission should be listed. Mr. Slaughter proposed bringing the Water Resources Director into that discussion to come up with legislation.

Commissioner Weber stated she thought continuation and support of the methamphetamine project was important. She also thought the Board should become involved with any proposed legislation with regard to illegal immigration. She stated that issue, which impacted this County and other counties, should be handled by NACO. She inquired if there was a venue or forum to address illegal immigration at the Legislature. Mr. Slaughter stated there was not an ISC established for that, but there were various individual pieces of legislation that dealt with various aspects of immigration.

Chairman Larkin stated his concern was related to anyone who did not have individual health care, because there was a propensity for folks to use emergency rooms for primary care. It was alleged that a substantial portion of individuals who

utilized those types of facilities were documented, and he would like to know if there was a way to get legislation that would allow counties and cities to collect that information. Commissioner Weber stated law enforcement, school districts, jail systems and court systems have also reported major impacts with regard to illegal immigration. Chairman Larkin wanted to understand the impacts to local jurisdictions and how they could be addressed in an equitable and fair manner.

**10:27 a.m.** Commissioner Humke temporarily left the meeting.

Commissioner Jung stated more data should be retrieved rather than just making a general statement that staff would have no control over. She thought it was one thing to say that these would be the impacts to local government based on raw data, but it was another thing to have a whole statement based on something that did not have the data to support it. She was a big supporter of laws that were already in place, but for a county to make an issue their platform was a terrible path to go down when it was not under their purview.

Chairman Larkin inquired how the coordination with Clark County was coming in terms of the immigration data package. John Berkich, Assistant County Manager, responded that it was slow going; but he assured the Board that staff was coordinating things with them, and he believed the data package would be available by the next retreat.

Chairman Larkin stated Clark County was not even close to determining what kind of data should be collected. Ms. Singlaub stated the issue staff was tasked with was to clarify the obstacles of collecting data that specified whether someone was undocumented. She explained the long list of what those obstacles consisted of. Chairman Larkin stated Washoe County was “piggybacking” with Clark County, but he did not want to wait another three months. Mr. Berkich stated they would attempt to bring something back to the Board within 30 days. Chairman Larkin asked staff to bring whatever data they had and the Board would go from there.

Commissioner Jung inquired about the County’s Platform under Public Lands because she thought everyone had the right to access federal lands. Ms. Singlaub stated the issue dealt with what kind of access would be allowed on federal lands, such as ATVs and snowmobiles. Commissioner Galloway thought the wording could be changed to read; “Maintaining appropriate access to open space and appropriate access to public and federal lands.”

There was no public comment and no action taken on this issue.

**08-04            AGENDA ITEM 4**

**Agenda Subject: “Regional Collaboration: Discussion and possible direction to staff on opportunities for increased regional collaboration with the Cities of Reno and Sparks and other local governments and districts within Washoe County.”**

Chairman Larkin stated Washoe County was going to be joining with Storey County to discuss principle points, which would include public transportation to the Tahoe Industrial Center.

Chairman Larkin wanted to know what kinds of things the Board would like to see put forward for collaboration. He stated he would like to see the County move forward with collaborating on roads. He knew that was on the next joint meeting via the County's offer of putting the index portion of the County's fuel tax into a pot with the City of Reno's Transportation Commission to facilitate some of that.

Commissioner Jung wondered if a detailed analysis could be brought back to the Board of what sort of overlaps there were in terms of equipment and staff expertise within the cities. She stated she would like to see an area of collaboration with regard to Parks and Recreation, again with equipment and staff expertise to utilize those resources and possible overlaps. In emergency situations, she thought the County could become more efficient with the way business was conducted with the ultimate goal being citizen responsiveness, increase in efficiencies, and using tax dollars more effectively.

**10:37 a.m.** Commissioner Humke returned to the meeting.

**10:38 a.m.** Commissioner Weber left the meeting.

Commissioner Galloway stated an earlier proposal was that the cities would take care of the recreation and the County would take care of the maintenance. He thought the key was collaboration. Katy Singlaub, County Manager, stated she would place on the agenda for discussion the data showing detailed information regarding staff members and equipment for both the Roads and Regional Parks and Open Space Departments. She mentioned some of the administrative functions that were being provided by all of the local governments could be looked at with the idea of moving towards a unified general services administration where local governments would contract for things like recruitments, training and risk management.

Chairman Larkin inquired who would bring back some of the preliminary results of the Consolidated Tax Distribution Study by the Department of Taxation. Ms. Singlaub responded John Sherman, Finance Director, would be bringing it back to the Board. Commissioner Galloway stated that any tax distributions needed to be consistent state-wide. Ms. Singlaub explained the distribution formula was state-wide, but it did not prohibit Interlocal agreements amongst entities within a county. Chairman Larkin stated he wanted to see what information the County Departments were providing before the Board made a statement. Ms. Singlaub stated Mr. Sherman would respond when asked to provide data which showed that any loss of revenues would significantly impair the County's ability to deliver services. She stated budgetary issues would come down to a matter of prioritization. Commissioner Galloway stated some services still may be cut due to the indigent care issue.

There was no public comment and no action taken on this issue.

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**11:00 a.m.** There being no further business to be conducted, upon motion by Commissioner Humke, seconded by Commissioner Jung, which motion carried with Commissioner Weber absent, it was ordered the retreat was adjourned.

The foregoing minutes represent the understanding of the Washoe County Clerk's Office of the discussions held during this meeting.

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**AMY HARVEY**, Washoe County Clerk  
and Clerk of the Board of County Commissioners

*Minutes Prepared by  
Jan Frazzetta,  
Deputy County Clerk*