

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

RETREAT

FRIDAY

9:00 A.M.

APRIL 24, 2009

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson
Bob Larkin, Commissioner
Kitty Jung, Commissioner
John Breternitz, Commissioner

Amy Harvey, County Clerk
Katy Simon, County Manager
Melanie Foster, Legal Counsel

The Board convened its retreat at 9:08 a.m. in the Washoe County Commission Caucus Room, 1001 East 9th Street, Reno, Nevada. The roll was called and the Board conducted the following business:

09-384 AGENDA ITEM 1 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. All public comment for this meeting will be heard during this item. Comments are to be made to the Commission as a whole.”

In response to the call for public comment, County Clerk Amy Harvey indicated her department was given a 28 percent budget reduction target for fiscal year 2009-10. She noted some departments had grown by leaps and bounds since 2004, whereas the staff in the Clerk’s Office had not grown in over 30 years. She stated the tiered reduction targets resulted in small departments such as hers being penalized for being good stewards of the taxpayers’ dollars. She also pointed out the tiered process did not take State mandates into account.

09-385 AGENDA ITEM 3

Agenda Subject: “Discussion and possible direction to staff regarding the public comment time period, as requested by Commissioners Weber and Jung.”

Commissioner Weber stated there had been a lot of complaints expressed during Citizen Advisory Board (CAB) meetings that two minutes was not enough time to get a point across. She acknowledged there had also been examples at a couple of recent

Board meetings that illustrated the potential for individuals to use the public comment period inappropriately and to unnecessarily prolong meetings.

Commissioner Jung pointed out Washoe County was the only local entity with a two-minute time limit, and she frequently received complaints from her constituents about the lack of parity. She said it gave the appearance the Commission did not want feedback. She stated two minutes was not enough time for people to express genuine concerns. She noted there was a precedent of three minutes throughout the community and throughout the State.

Chairman Humke suggested he would be happy to revisit the rule in the event of any future consolidation between Washoe County and the two Cities.

Commissioner Larkin stated there was not parity and discussed the time periods allowed by the Cities of Sparks and Reno. He pointed out the Commission Chair always had the discretion to expand the comment time when appropriate, and Commissioners had the opportunity to further question individuals during a meeting or invite them to expand their comments. He talked about the history of how the Commission arrived at its current policy. He said the policy had been successful and was upheld by the State Attorney General. He indicated he would not be in favor of changing it unless there was new information that the Attorney General's opinion had changed.

Melanie Foster, Legal Counsel, explained the law required a public comment period, but did not specify the amount of time that must be allowed. She stated the City of Sparks amended its rule some years ago to take public comment only on matters within the City Council's purview. She noted there was case law to support public entities enacting such a rule, although it was somewhat novel in Northern Nevada. She said it was perfectly permissible to allow comments about items off the agenda during general public comment when public comment was also allowed for each individual agenda item. She indicated the County Commission decided some years ago to allow comment on anything and everything during the general public comment period, and to limit public comment to the agenda subject during each individual agenda item. She observed there had been previous discussion that one minute was not sufficient. She stated the County had received a lot of complaints, but had never been formally challenged through the Attorney General's Office about the two-minute limitation. She pointed out the fact that general comment was allowed in addition to specific comment under each agenda item would probably go a long way toward alleviating any concerns that the Commission was not hearing from its public. She opined the time period was within the Board's discretion, provided they did not so severely limit the time period that no one could get a thought out.

Commissioner Weber commented she did not believe the two-minute rule was really benefitting the general public.

Chairman Humke said he knew of no Chair who had denied any Commissioner the opportunity to ask a speaker to either finish their thought or to engage in questions and answers. He indicated he saw that as a safeguard.

Commissioner Weber asked whether Commissioners had the ability to question speakers under general public comment. Commissioner Larkin noted the ability was there as long as Commissioners did not engage in dialogue.

Commissioner Jung indicated she understood the history of how the two-minute rule came to be and knew it was brought about because of some disruption during meetings. She stated it was her belief that a stringent rule enacted for a very small minority came at the peril of the public's freedom to communicate with the Commission. She suggested it would be an act of good faith toward the public to allow three minutes.

Commissioner Breternitz said he had not had complaints, other than the ones expressed during public comment at the meetings. He indicated he did not think two minutes limited the ability of people to make a point. He stated the time allowed under general public comment, combined with the time under each agenda item, provided individuals with a minimum of four minutes to talk.

Commissioner Larkin commented he was satisfied with the current policy and had received no constituent complaints.

Commissioner Weber moved to extend the public comment time period to three minutes on a two-month trial basis. Commissioner Jung seconded the motion. The motion failed on a 2 to 3 vote, with Commissioner Larkin, Commissioner Breternitz and Chairman Humke voting "no."

09-386 AGENDA ITEM 2

Agenda Subject: "Discussion and possible direction to staff regarding Commission Budget and Commissioner Constituent Support Budget."

Chairman Humke expressed concern about the \$48,000 in dues paid to the Nevada Association of Counties and the National Association of Counties. He questioned whether the County was receiving enough value to warrant the expenditure. He noted the Treasurer, Clerk, Recorder and Assessor belonged to some related membership organizations, and suggested they might be asked to absorb a portion of the dues. He also suggested negotiating a reduction in the dues for a period of one year.

9:30 a.m. Chairman Humke left the meeting and Vice Chairperson Weber assumed the gavel.

Commissioner Breternitz requested clarification of the budget line item. Katy Simon, County Manager, indicated the dues for the Nevada Association were \$41,222 and the National Association dues were \$6,352. Commissioner Jung asked what

other memberships fell under the budget item. Ms. Simon noted \$51,000 was allotted in the budget, but less than that had actually been paid out. She said Clark County and Washoe County previously paid to support the Hobbs Ong Financial Services Group, but the consultant's services were not used very often and the item had been eliminated. She explained dues to the Chamber of Commerce were paid through Community Relations and dues to the Economic Development Authority of Western Nevada (EDAWN) were paid through the Manager's Office.

Commissioner Jung agreed with Chairman Humke's previous comments.

Vice Chairperson Weber noted she currently served as President for the Nevada Association, and was a member of the National Association's Board of Directors. She requested Jeff Fontaine, Executive Director of the Nevada Association, be asked to give a presentation to the Commission before any portion of the membership dues was withdrawn. Commissioner Larkin suggested Mr. Fontaine should take a salary reduction.

Commissioner Jung moved to ask Mr. Fontaine to come before the Board with a presentation to include what the Nevada Association had done for Washoe County, what other counties were requesting, and what Mr. Fontaine's salary was. There was no second to the motion.

Commissioner Jung said she was concerned that the 2010 National Association Conference, which was scheduled in Reno, would be used as a justification for keeping the dues at their present level. Vice Chairperson Weber pointed out there was a contract for the 2010 Conference. She stated she had not heard of any other counties planning to withdraw from the Association. Commissioner Larkin commented no one was talking about withdrawing. He reiterated Mr. Fontaine should take a salary reduction, even if it was a token one. Vice Chairperson Weber indicated there had been discussion at the last Nevada Association Board meeting that Mr. Fontaine needed to prepare a presentation for each of the counties. Ms. Simon said she would be happy to talk with Mr. Fontaine about negotiating an interim reduction in dues. She observed reductions had been negotiated with several other organizations, landlords and vendors. Commissioner Jung stated she was not questioning the worth of the Association, and thought they did a great job. She noted it was important to point out the symbolism involved, particularly when the County was talking about closing libraries.

Ms. Simon said she would contact Mr. Fontaine to schedule a presentation before the Board and to negotiate a reduction in dues, and would report back.

Vice Chairperson Weber noted Chairman Humke had been unable to attend many of the Association meetings. She said she understood he was not always available, but thought it was important to have someone representing the Commission. Commissioner Jung noted there were alternates, but someone needed to notify them to attend a meeting. She stated she had previously requested an agenda item to evaluate all boards and commissions, including a matrix to analyze attendance. Ms. Simon observed the boards and commissions were evaluated every six months.

Commissioner Jung requested a breakdown of everything in the budget. Ms. Simon indicated staff would be happy to provide a report containing all of the expenditures in the Commission's budget.

Ms. Simon said staff hoped to get closure from the Board on some of the policy questions related to the Commission's budget and the Commissioners' support issues. She noted the Commissioners' salaries and benefits were a large portion of the budget. She outlined several of the issues that had been raised thus far, and indicated the biggest question was how to support the Commissioners and how to provide constituent support. She provided a handout, which was placed on file with the Clerk. The handout identified the qualities that would make the best solution, the duties required to meet the constituents' and Commissioners' needs, and the duties best provided by liaison staff versus administrative personnel. Ms. Simon noted there were only two clerical people staffing the Manager's Office.

A discussion ensued about the proposal to eliminate the intern program and shift the liaison duties to two existing Community Outreach Coordinators. It was suggested the Coordinators would no longer attend all of the Citizen Advisory Board (CAB) and Neighborhood Advisory Board (NAB) meetings, but would utilize their time providing support to the constituents and the Commissioners.

Ms. Simon summarized the Board's direction to suspend the intern program and have staff continue to reevaluate when it might be appropriate to bring the program back. She agreed staff would build a proposal as to how support would be provided and how priorities would be assigned. She suggested it would be helpful to define expectations in writing – almost like a service agreement. She reiterated she would be talking with Mr. Fontaine of the Nevada Association of Counties about negotiating a dues reduction and making a presentation to the Board.

Vice Chairperson Weber asked about Chairman Humke's earlier suggestion to have some of the other departments contribute to the Association dues. County Clerk Amy Harvey pointed out she personally paid dues to the County Fiscal Officers Association (CFOA), and there were no dues paid out of her department's budget. Vice Chairperson Weber said the organizations were related but were not really the same. Commissioner Jung requested a report on the issue.

Commissioner Breternitz listed the following budget items for consideration: a uniform policy for the Commissioners' expenses, a look at Countywide step increases, holding only two Board of County Commissioners meetings per month, eliminating coffee and water in the office, use of Commissioners' personal cell phones, and voluntary reduction of mileage reimbursements. Ms. Simon noted the Commission budget was \$34,555 short of its reduction target. She agreed to report back to the Commissioners as to how much each of the suggested items would total in reductions.

Commissioner Breternitz suggested the Commissioners take an additional 4 to 5 percent salary reduction. Commissioner Jung said she would agree as long as all of top management was required to take the same reduction. She noted the Commissioners salaries were very low. Commissioner Larkin agreed they were the lowest among all the elected officials in the community. Commissioner Breternitz indicated it would set an example and make a statement, particularly in light of the substantial employee layoffs that might occur. Commissioner Jung agreed.

Commissioner Larkin asked about the interns who were already in the program. Ms. Simon indicated they would remain through June 30, 2009, and the cost center would be suspended as of July 1, 2009.

09-387 AGENDA ITEM 4

Agenda Subject: “Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County.”

John Slaughter, Management Services Director, provided a Legislative Tracking Report, which was placed on file with the Clerk. He noted there had not been any significant changes since the legislative update at the Board’s last meeting.

Senate Bill 162

Mr. Slaughter provided a summary of SB162, which was placed on file with the Clerk. He noted the summary was labeled AB162, but should have said SB162. He explained the Bill changed the date of the primary election to the second Tuesday in June. He stated the most immediate impact to the organization was that the next primary would fall during the 2009-10 fiscal year, rather than falling within the 2010-11 budget.

On motion by Commissioner Larkin, seconded by Vice Chairperson Weber, which motion duly carried with Chairman Humke absent, the Board expressed a position of opposition to Senate Bill 162 based on its financial impact.

Assembly Bill 119

Mr. Slaughter said there was some concern about the language on the original ballot question and in the Bill. Melanie Foster, Legal Counsel, explained the language in effect asked the County Commission to do something it did not have the authority to do under the law. Mr. Slaughter indicated he would get clarification from the District Attorney’s office and the Legislative Counsel Bureau. Commissioner Larkin commented the Commission did not have the authority to enact an ordinance that was controlling on the Regional Planning Governing Board (RPGB). Ms. Foster noted the Legislature could write statutory language that made Washoe County’s action controlling

on the RPGB. Commissioner Larkin recommended the Commission change its position from favorable to neutral. County Manager Katy Simon suggested there was not much to be gained from a change in position. Vice Chairperson Weber suggested waiting until there was more information about the legal issues. Commissioner Jung agreed.

Regional Planning

Mr. Slaughter explained the City of Reno presented a proposal that would change regional planning, although the RPGB Legislative Subcommittee had not taken an official position. Vice Chairperson Weber noted there had been objections by several members of the Sparks City Council. She said the RPGB Legislative Subcommittee could not take action unless all three entities were unanimous. She indicated the proposal was not yet part of a specific Bill. Commissioner Breternitz stated he had not seen the language, but thought it related to shared services. Vice Chairperson Weber suggested each of the Commissioners needed to get copies, but the proposed language talked about consolidation rather than shared services. Ms. Simon added that the proposal would fundamentally change the relationships between local planning and regional planning, and would eliminate the oversight and the requirement for local plans to be found in conformance with the Regional Plan. Commissioner Larkin recommended the Commission wait to see if the proposal found a home as part of another Bill. Ms. Simon observed the City had hoped to attach it to one of the County's Bills. Mr. Slaughter said the City no longer planned to attach it to AB74 because they understood the importance of getting the County's Map Extension Bill passed as soon as possible without additional amendments.

General Discussion

Commissioner Breternitz wondered whether there were any plans to negotiate changes that were beneficial to the County in exchange for the Legislature's proposals to take a share of the County's property taxes and other fees. For example, he noted a change to one sentence in NRS 288 would make a union contract effective on the date of an arbitrator's ruling rather than retroactive to the date the contract expired. He stated such a change would provide some incentive to end negotiations that had entered arbitration.

Ms. Simon observed every report indicated a share of each county's property tax revenue would be taken by the State. She pointed out staff had been successful in getting Washoe County's message across to the legislative delegation, and legislators were receptive to ideas.

Commissioner Jung asked whether the business community could help. She stated a study commissioned by the Chamber of Commerce said County employees were overpaid, but the truth was the average wage was artificially increased when Washoe County was combined with Clark County. She suggested the organizations that Washoe County paid dues to, such as the Chamber of Commerce and the Economic Development Authority of Western Nevada (EDAWN) be asked to talk about Washoe

County as separate from Clark County. Vice Chairperson Weber said the Legislature relied too much on the issues in Southern Nevada and was not seeing the big picture as it applied to the rest of the State.

Commissioner Breternitz requested the Commissioners give ideas to Ms. Simon and Mr. Slaughter about what the County could negotiate in return.

Senate Bill 292

Ms. Simon stated SB292 related to the representation of children in the courts. She pointed out Washoe County already spent more than Clark County on such representation, but would have an additional \$2 million in expenses if the Bill passed without amendment.

District Attorney Dick Gammick said it sounded good to appoint attorneys to represent victims of child abuse and neglect, or children who might be taken away from their parents. He explained the downside was that attorneys retained by the family were often obstructive by telling children not to testify and by keeping children away from making statements, from court and from receiving service. He noted the result was that the children did not get the protection they should get from the courts or from the system, and the District Attorney's Association was consequently opposed to the Bill.

Mr. Slaughter indicated there was quite a bit of discussion and floor debate on SB292, and staff continued to oppose the Bill's fiscal impact. He stated it was probably among the top five most discussed bills, but still had a long way to go.

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10:55 a.m. There being no further business to come before the Board, on motion by Commissioner Jung, seconded by Commissioner Breternitz, the meeting was adjourned.

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

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

*Minutes Prepared by
Lisa McNeill, Deputy County Clerk*