

RTC EXHIBIT 1-D

**REGIONAL TRANSPORTATION COMMISSION
WASHOE COUNTY, NEVADA**

FRIDAY

9:00 A.M.

JANUARY 19, 2007

PRESENT:

David Humke, Washoe County Commissioner, Chair
Bob Cashell, Mayor, City of Reno (alternate)
Dwight Dortch, Reno City Councilman
Bob Larkin, Washoe County Commissioner (arrived at 9:15 a.m.)
John Mayer, Sparks City Councilman

Greg Krause, Executive Director
Stan Peck, Legal Counsel

The regular monthly meeting, held in the Board Room of the Jerry L. Hall Regional Transportation Center, 2050 Villanova Drive, Reno, Nevada, was called to order by outgoing Chairman John Mayer. Following the Pledge of Allegiance to the Flag of our country, the Board conducted the following business:

Item 1 SPECIAL PRESENTATIONS, INCLUDING:

OATHS OF OFFICE

Clerk of the Board Kate Larue administered the Oath of Office to re-appointed Commissioner John Mayer and newly-appointed alternate Commissioner Bob Cashell.

Item 1(a) ELECTION OF OFFICERS

On motion of Commissioner Dortch, seconded by outgoing Chairman Mayer, which motion unanimously carried, outgoing Chairman Mayer ordered that David Humke shall serve as Chair of the RTC.

On motion of Commissioner Dortch, seconded by Commissioner Cashell, which motion unanimously carried, newly elected Chairman Humke ordered that David Aiazzi shall serve as Vice Chair of the RTC.

Item 1(b) RECOGNITION OF OUTGOING CHAIR JOHN MAYER

Chairman Humke spoke in recognition of outgoing Chairman John Mayer and presented him with a plaque.

Item 1(c) RECOGNITION OF LEMMON DRIVE/MILITARY ROAD INTERSECTION PROJECT

Weston Hutchinson and Derek Betts of Granite Construction presented a Pinnacle Award to RTC engineer Garth Oksol for the Lemmon Drive/Military Road Intersection project completed in project teamwork with Granite Construction.

Item 1(d) DONATIONS TO CITICARE

Donna Kollman, President of CitiCare Foundation, presented recognition awards to representatives of Sierra Pacific Foundation, Redfield Foundation and Terry Lee Wells Foundation for grants to CitiCare to provide rides to senior and disabled paratransit riders.

Item 2 APPROVAL OF AGENDA

Executive Director Greg Krause asked that agenda Item 8(d), recommendation to acknowledge receipt of report and provide direction to staff as appropriate concerning update on 4th Street Station Schematic Design draft, be postponed until the next meeting because Commissioner Aiazzi was not present at this meeting. Commissioner Larkin asked that agenda Item 7(a) be taken out of order and heard next because there were many people in the audience wishing to speak on that item.

On motion of Commissioner Larkin, seconded by Commissioner Cashell, which motion unanimously carried, Chairman Humke ordered that the agenda for this meeting be approved with the exceptions noted above.

Item 7(a) SOUTHEAST CONNECTOR ANALYSIS UPDATE (taken out of order)

Deputy Executive Director Derek Morse addressed the Board and answered questions regarding the recommendation to acknowledge receipt of an updated analysis of the Southeast Connector and provide direction as appropriate, as set forth in the staff report for this agenda item.

Chairman Humke asked for clarification regarding the numbers of homes that RTC would have to acquire for right-of-way in each of the corridors. Mr. Morse said perhaps three or four homes for the Valley corridor; the Foothill and Sparks Industrial corridors would affect substantially more.

Chairman Humke asked for clarification regarding the projected cost of constructing a road in the Valley Corridor. Mr. Morse said the range was \$106 million to \$127 million.

Chairman Humke asked, for the benefit of the public, if there were copies of the staff report available today. Mr. Morse said yes, copies were available. Chairman Humke asked if the staff report and other supporting materials would be loaded onto the RTC website. Mr. Krause said staff would certainly put information on the website the Board requests. Chairman Humke asked that all the information be put on the website.

Commissioner Mayer asked if the estimated costs for all three corridors included the cost of constructing the bridge over the Truckee river and the Steamboat Creek bridge. Mr. Morse said yes.

Commissioner Larkin noted there is a section where Sparks Boulevard and Greg Street come together and that is in the flood plain. He asked if the buildup of that area is included in the cost estimates. Mr. Morse said yes.

Commissioner Mayer asked if this road would be built with local funds only, and if so where would the funds come from. Mr. Morse said yes, it was anticipated that local funds would be the most likely source for this type of facility because federal and state funds were not sufficient even to do the core freeway improvements. Significant funding would come from the developer impact fee program and other funding sources such as RTC's system preservation funds, fuel tax money, etc. Related to this is the major update of the impact fee program which should result in higher impact fees in the future.

Commissioner Mayer asked how the bridges would be funded. Mr. Morse said impact fees would pay for a major portion of them. He noted the actual construction on this road would probably not begin for at least five to ten years, but it was extremely important that a decision be made on the alignment because there is a huge number of projects on McCarran that need to be done first but can't be started until this decision is made.

Commissioner Mayer commented the NEPA process would not be necessary if the project is funded with local money. Mr. Morse said if the NEPA process were necessary it would add another four years to the process and several million dollars to the cost. Typically the process is only required when federal money is involved.

Commissioners Cashell and Larkin asked what percentage of this total project has already been dedicated or acquired as right-of-way. Mr. Morse said for the Valley Corridor it would be 65 to 70 percent.

Commissioner Larkin asked if the projected growth in daily traffic was the nexus to the need for the project. Mr. Morse said it was a large part of it.

Commissioner Larkin asked where the projected traffic would go if this facility is not built. Mr. Morse responded they will find alternative routes such as McCarran Blvd. and bypass traffic through neighborhoods as people look for less congested routes; possibly across Mira Loma to Longley Lane. Commissioner Larkin reiterated that the increased traffic would go through neighborhoods if a facility is not built.

Chairman Humke said he wanted register four questions for the record. 1) What are the various ways that NEPA can be triggered? 2) When, roughly, would the Valley Corridor be fully built? 3) He said he was interested in staging improvements so that RTC can provide some immediate deliverables to the full community, specifically improvements to Mira Loma and to McCarran from Mira Loma to Mill. 4) When is the Sparks Industrial route expected to be cost effective, and

when is it anticipated it would be fully built? He asked that the NEPA question be answered at this time and the rest could be provided later.

Mr. Morse responded that NEPA is triggered when there is a significant federal action. Even a penny of federal funding has always been considered a significant federal action, so that would trigger the NEPA process. Also, if a new interchange were to be created on an interstate highway, this would in many cases be considered a significant federal decision and could trigger NEPA. In this case, just because local funds are being used that does not mean there would be no federal involvement. RTC would have to get "404" permits, and other permits may be required, but that is different than a full NEPA process. There will still be involvement with the Corps of Engineers in terms of flood control and wetlands impacts. This process will be involved with any of the three alignments to some degree.

Chairman Humke opened the meeting to public input and called on anyone wishing to speak.

William Brainard urged the Board to choose either the Valley or Foothill corridor but not a route that would go into Storey County.

Lee Wilson urged the Board to exercise fiscal responsibility in selecting a route and to consider how many families would be displaced.

Gary Gruwell spoke against building a route through the golf course, and suggested building over-and under-passes on the main arterials in the area to ease congestion.

Bruce Breslow remarked the road had been on the books for 55 years and that some communities in Sparks had been built because that road was on the books. He urged the Board to choose the most fiscally productive route, but to make a decision rather than waiting longer.

Larry Turpen spoke against a valley or Foothill route, saying he wanted the road up on the hill out of sight. He spoke of the impact on homes and quality of life.

James Jones advocated for the Sparks Industrial route so as not to disrupt the valley, and suggested improvements to McCarran Blvd. to mitigate traffic congestion. He said an EIS should be ordered so citizens could weigh the pros and cons if each route.

Steven Garrett spoke in favor of a southeast connector and asked to be provided with the following information: He asked if there is right-of-way for the Foothill route through the property in the northeast corner of Hidden Valley owned by Hillside Holdings, and also on the Sparks Industrial route if the property owned by KB lies at the beginning of that route and whether some of the homes that are just being built would have to be demolished. Chairman Humke said staff had taken down those questions and would send Mr. Garrett some answers.

Norma Noonan said it was not fair to put a road through Hidden Valley so that Sparks residents could get home from work faster, and asked that improvements be made to South McCarran instead.

Gary Schmidt said he opposed all of the routes and that a road should be built through Storey County. He said there had been a lack of planning and a violation of the open meeting law.

Tyrus Cobb urged the Board to choose the Valley or Foothill route and not to delay any further.

Franco Crivelli said that although the route may have been on the books a long time, the flood plain had changed the elements of the route. He said it was fiscally irresponsible to have spent money on flood protection and now it was being filled in for a road. He remarked that if a route is chosen and then the Spanish Springs residents are flooded, Hidden Valley would sue.

Jerry Purdy said the issue was so controversial because a decision had not been made sooner, and urged the Board to choose a corridor today so that the project could move forward and the uncertainty would be resolved.

Bill Danton asked where all or part the golf course would be moved to. Chairman Humke said staff would respond to Mr. Danton.

Laura Carman, on behalf of Hidden Valley Homeowners Association, asked that the Board approve the Sparks Industrial route, and spoke of negative impact the other routes would cause to valley residents. She said she believed the owner of some of the property in the Sparks Industrial corridor would donate his property for right-of-way for that route.

Geno Martini said the Sparks master plan had taken into consideration the Tahoe Pyramid Link when deciding where developments could be built. He recommended that the Board choose the Valley corridor and urged the Board to make its decision today.

Linda Gomez said the quality of life in Hidden Valley would be affected by the Valley or Foothill routes, including noise, soot from cars and air quality; and that the routes would scar the view and be too close to the homes. She asked that the Board choose the Sparks Industrial corridor.

There being no one else wishing to speak, public input was closed.

*** The meeting was recessed at 10:48 a.m. and reconvened at 11:00 a.m. ***

Commissioner Mayer suggested that the workshop scheduled to begin after this meeting be postponed because the meeting would run long.

On motion of Commissioner Mayer, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that the workshop be postponed until the February meeting.

Commissioner Larkin noted that at the December meeting he had asked that this item be scheduled for the January meeting. He noted there had been discussion at previous meeting that it might be a good idea to go ahead with the NEPA process if there was any chance federal funding would be included. He asked Mr. Morse to confirm whether there was even a remote chance that federal funding would be received for any portion of this project. Mr. Morse responded that, given the

needs of the core freeways which generally have a higher priority, he did not see any realistic likelihood, given the federal funding situation, that federal funds would be provided for this project. He said even if staff asked for federal funding and received it, it would be taking money away from the core freeway system. Commissioner Larkin said he did not want to rob Peter to pay Paul.

Executive Director Greg Krause added that the Pyramid Highway and Pyramid Corridor is the other major priority in the community that needs those federal funds, which is already a very high priority with the Board.

Commissioner Larkin said he and Commissioner Mayer were responsible to the citizens in their wards for providing public facilities that allow the citizens to travel to and from their jobs. Most of the jobs in this area are located south of the river, and most of the homes are located north of the river. He said that if federal funds would not be available for the Southeast Connector, there was no reason to pursue the NEPA process. He advocated eliminating the Foothill corridor and said he was ambivalent about the Sparks Industrial corridor, and said he had some concerns about the Valley corridor as well, but was prepared to move forward with it. He said any Valley route must, however, dovetail with the flood control project. Mr. Morse noted these were 1,500-foot-wide planning corridors and the roadway itself would be about 150 feet wide. The next step would be to get a specific alignment so that flood control integration can be addressed.

Commissioner Larkin reiterated he was very concerned about the flood control project and any decision made by RTC must be couched in those terms.

Commissioner Cashell said he wanted to eliminate the Sparks Industrial and Foothill corridors, and that it was now time to give direction to RTC staff. He said he preferred the Valley corridor, and that RTC should work with the golf course to determine where it can be relocated. He said the new road should be buffered by planting trees rather than building sound walls.

Commissioner Dortch said the Valley corridor makes the most sense, not just economically but in terms of the impacts on homeowners. Zero to four homeowners will be impacted as far as right-of-way acquisition in the Valley corridor, versus up to 40 on the other two routes. He also said he did not want to eliminate the Sparks Industrial corridor because at some time in the future a route will be needed there and right-of-way should be preserved.

Commissioner Mayer said the Valley corridor was the only right way to go, and this decision should be made now so that the project could move forward.

Chairman Humke remarked that there were lines on maps that even the realtors knew about 30 years ago. He said the problem could have been solved 20 years ago if a road had been rough-cut through the right-of-way. He noted that many good interim solution suggestions had been made today, some of which will be adopted. He said the discussion of a Storey County route should continue, including reserving rights of way for a possible linkage to a Storey County route. The timing of a Storey County route, another ring, would be 20 to 30 years. He stressed that lines must be placed on the map; people must be on notice that a road will be built some day. He asked Mr. Morse if, based on his concept of immediate deliverables, improving the segment from Mira

Loma westerly to McCarran, and the McCarran improvements from Mira Loma to Mill Street, what is the nature of the work that has to be done to those immediate improvements.

Mr. Morse said there was another agenda item for today's meeting that will address that matter. Once the decision is made as to which corridor will be approved, virtually everything from Greg Street to Longley Lane on McCarran is at the top of the list for projects in the next cycle of design and construction.

Chairman Humke said it was important that Mr. Morse make that record for the benefit of the citizens in the affected area.

Commissioner Larkin said he believed he heard a consensus for the Valley corridor. He asked how long it would take staff to come back to the Board with an actual alignment so that the Board could make a final decision on it. Mr. Morse responded there was a lengthy process involved in setting the alignment. If funding were available in the next fiscal year, from that time it would be about a year to propose an alignment to the Board.

Commissioner Larkin asked if a motion was needed. Chairman Humke said he believed staff had direction. Mr. Krause said staff understands it will make it a priority to develop alignment alternatives for the Valley corridor and within 12 months bring the alternatives, including a recommended alignment, to the Board for consideration.

Commissioner Larkin said that was correct. Mr. Krause asked if it was also the direction of the Board to continue to request reservation of right-of-way within Washoe County development as it occurs in what is currently titled the Sparks Industrial Corridor. Commissioner Larkin said absolutely.

Mr. Morse noted that in the current year budget there is RTC's long-long-range planning project and RTC would use that to establish an optimal route for a future Sparks industrial corridor that can be used for right-of-way preservation.

Commissioner Mayer said he felt there should be a motion to adopt the Valley corridor for study. Commissioner Larkin said his only reservation was that before committing resources he wanted to see the alignment. Legal counsel Stan Peck said it would be more clear in a motion.

On motion of Commissioner Larkin, seconded by Commissioner Cashell, which motion unanimously carried, Chairman Humke ordered that receipt of this report be acknowledged and that staff be authorized to begin the study on the Valley corridor to complete the Southeast Connector, but not to exclude the Sparks industrial route for future consideration, and move forward with the direction the staff has been given today.

Under discussion, Commissioner Dortch said he was concerned about the wording that the Sparks industrial corridor not be excluded. In his opinion there are two separate issues. The Sparks industrial route is not the southeast connector the Board is looking at today. It is an additional route, not a substitute route. Mr. Morse said that was clear to him and Commissioner Dortch had clarified it even further.

*** Commissioner Cashell left the meeting at 11:35 a.m. ***

Item 3(a) PUBLIC INPUT

Chairman Humke opened the meeting to public input and called on anyone wishing to speak on topics relevant to the Regional Transportation Commission (RTC) that are not included in the current agenda. Gary Schmidt said the number of people occupying the board room was in violation of the fire code. There being no one else wishing to speak, public input was closed.

Item 3(b) ADVISORY COMMITTEE SUMMARY REPORT

On motion of Commissioner Dortch, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that receipt of the monthly Advisory Committee Summary Report be acknowledged.

Item 4 CONSENT ITEMS

- (a) Recommendation to approve the minutes of the December 19, 2006, meeting**
- (b) Recommendation to approve a Capital Contribution Front Ending Agreement with Nevada Tri Partners and the City of Reno for the offered right of way dedication and construction of extension of Veterans Parkway**
- (c) Recommendation to approve appointment/reappointment of Citizen Advisory Committee members**
- (d) Recommendation to acknowledge receipt of quarterly RTC Objectives and Strategies report**

Commissioner Larkin asked if staff had received an application to be on the Citizens Advisory Committee from a citizen of Wadsworth. Mr. Morse said no application had yet been received from a Wadsworth resident. He said one current vacancy would will be filled by a current alternate and the other would be filled by Mr. Lee Massey for a full term, leaving three alternates. He added that having a fourth alternate would be very good because there is some turnover on the committee.

On motion of Commissioner Larkin, seconded by Commissioner Dortch, which motion unanimously carried, Chairman Humke ordered that Consent Items 4(a) through 4(d) be approved, including the following appointments to the Citizens Advisory Committee: Fill current vacancy with existing alternate Rajan Zed for term through 2007; fill the other current vacancy with new applicant Lee Massey for term through 2008; appoint first alternate Kive Weinstein; second alternate Scott Kelly; and third alternate Ron Jarvis.

Item 5(a) FY 2007-2001 RTIP AMENDMENT NO. 1

No earlier than 9:05 a.m. This was the time set to consider this matter, notice of public hearing having been duly advertised in accordance with the RTC's public participation policies. Deputy Executive Director Derek Morse addressed the Board and answered questions regarding the

recommendation to approve a resolution adopting Amendment No. 1 to the FY 2007-2011 Regional Transportation Improvement Program (RTIP) as set forth in the staff report for this agenda item.

This item being a public hearing, Chairman Humke opened the meeting to public input and called on anyone wishing to speak. There being no one wishing to speak, public input was closed.

On motion of Commissioner Dortch, seconded by Commissioner Mayer, which motion unanimously carried, Chairman Humke ordered that the resolution adopting Amendment No. 1 to the FY 2007-2011 Regional Transportation Improvement Program (RTIP) be approved.

Item 6(a) FINANCIAL UPDATE

On motion of Commissioner Mayer, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that receipt of the financial update for FY 2007 and future years, as set forth in the staff report for this item, be approved.

Item 7(a) was heard out of order earlier.

Item 7(b) SEGMENT PROJECT PRIORITIES

Deputy Executive Director Derek Morse addressed the Board and answered questions regarding the recommendation to approve the segment project priorities set forth in the staff report for this agenda item.

Commissioner Larkin asked where on the list was the widening of Moana Lane from I-580 to Kietzke Lane. Mr. Morse pointed out the project's position on the list and said it had a benefit-cost ratio of 2, and a second portion of Moana, from South Virginia to Kietzke, had a benefit-cost ratio of 1. A rating of 1 or greater is considered worth doing. This will be a very expensive project because of the commercial development that has occurred on Moana.

Commissioner Mayer said he felt the Moana Lane project should be high on the list, as well as the Lazy 5 Parkway. He asked if there was a way to route all the traffic from the park onto the parkway, instead of onto Pyramid Highway as they go now, because it is very dangerous. Mr. Morse noted Commissioner Larkin was also very concerned about that issue. It has been suggested that the primary traffic access when exiting the park, particularly when going south, come down out of the park at its easterly end, down to Lazy 5 Parkway, to the major intersection planned at Pyramid where there will be a light. There are portions of that the developer is not ready to move forward on. Staff has discussed way to accelerate that, and basically it comes down to money. It could be years before impact fee money is available for that project. Potentially if someone were to offer the developer an interest-free loan of about \$4.5 million to build the road ahead of time, he would pay it back once he sold further land. Another possibility might be for the City of Sparks to provide tax increment financing, and that might generate sufficient funds for the developer to go ahead and construct this. RTC is in active discussions with the developer, the City of Sparks, and Washoe County Parks.

Commissioner Larkin asked if a loan were made who would be the recipient of the loan. Mr. Morse replied it could be structured many ways; the most direct approach is to make an interest-free loan to the development company, Kiley Ranch. Another way to do it would be if Washoe County, for example, were to make an interest-free loan to the RTC, RTC would then construct the project and pay back upon the developer being able to pay back when he sold the land.

Commissioner Larkin asked if a pledge of a future tax increment and the name of Washoe County could be used as collateral. Mr. Morse noted one potential is that Sparks' ability to do the tax increment financing may be limited because of another development, and he believed that Washoe County may be able to step in and pick up the additional that is needed.

Commissioner Mayer noted that on Moana Lane a lot of the buildings become vacant, and perhaps RTC's property agent could work with some of those properties while they are being sold to set aside right-of-way. Mr. Morse said that is a possibility. The first thing is to determine which side of the road will be needed for right-of-way, and to coordinate that type of decision with the City of Reno as well as NDOT.

Commissioner Dortch noted the Silver Lake to Peppermint project had a low benefit-cost ratio, but that was a project that is desperately needed. He asked if it could be moved up on the list. Mr. Morse said it could, but the project needed to be considered in comparison to all the projects in that benefit district. He added that money will be drawn from all the benefit districts to pay for the work to be done on McCarran.

Chairman Humke said he shared the comments made as to widening the full length of Moana Lane from I-580 to South Virginia, and that he had remarked earlier under a previous items about improvements to the mentioned segments of Mira Loma and McCarran Blvd. Mr. Morse commented that the Moana Lane work is in the south benefit district. It is now competing directly for funding for the widenings on McCarran and Mira Loma. He said RTC will be asking for Board direction as to whether the Moana Lane widening should be placed above those McCarran projects, just after them, or where. He said staff did not need a direct answer today but would need and answer at some point. He said RTC was in a position now to move these projects further along the process, and if Moana Lane is one the Board wants to see ultimately construction ahead of those of those projects on McCarran, staff needs to know that.

Executive Director Greg Krause said staff was recommending additional project development work on these priority projects that have seen virtually no analysis other than conceptual-level estimates of cost. He asked if the Moana Lane project was at the level staff is now proposing to take the high-priority segments that are listed in this agenda item, or does it require additional work to reach the level. He said wanted to make sure staff brings to the Board consistent cost estimates based on the project development work for Moana versus these other projects. Mr. Morse said the numbers on the Moana Lane project are more refined than the numbers on these portions of McCarran because there has been a specific study done on it. If the Board would like to get a comparable level of work done on the McCarran segments so that the numbers can be compared, staff will proceed to do so. Board members said they would like to have comparable numbers.

On motion of Commissioner Mayer, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that the segment project priorities identified in the staff report for this item be approved, with the comments as noted.

Item 7(c) FEDERAL PROJECT PRIORITIES

The Board and staff discussed strategies for dealing with the erosion of federal funding.

On motion of Commissioner Mayer, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that receipt of the staff report on the status of federal project priorities and recommendations for federal FY 2008 appropriations priorities be acknowledged.

Item 8(a) FIVE-YEAR PUBLIC TRANSPORTATION SERVICE CONCEPTS

On motion of Commissioner Dortch, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that receipt of the staff report on five-year public transportation service concepts be acknowledged.

Item 8(b) PUBLIC TRANSPORTATION STATUS REPORT

On motion of Commissioner Dortch, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that receipt of the Public Transportation Status Report be acknowledged.

Item 8(c) CENTENNIAL PLAZA

On motion of Commissioner Mayer, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that receipt of the staff report on the results of the rebid and award of the construction contract be acknowledged.

Item 8(d), update on the schematic design of 4th Street Station, was postponed until the next meeting.

Item 9(a) ENGINEERING ACTIVITY STATUS REPORT

On motion of Commissioner Dortch, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that the Engineering Activity Status Report be approved.

Item 9(b) RIGHT-OF-WAY ACQUISITION POLICY

Executive Director Greg Krause addressed the Board and answered questions regarding the recommendation to approve proposed revisions to Section 5.3 of the RTC's *Street and Highway Policy* regarding right of way acquisition which provide that the RTC will contribute to the costs

for the landowner to secure an appraisal of the property the public is considering for acquisition and which otherwise clarifies the process to be followed by the RTC in dealing with landowners whose property is needed for public projects, as set forth in the briefing materials for this agenda item.

Commissioner Larkin said he felt that while this proposed policy change is well crafted, it is premature. He said he wanted to see what the Legislature is going to do before moving forward with this item.

Chairman Humke opened the meeting to public comment. William Brainard of Sparks said he agreed with Commissioner Larkin that this item was premature, and he believed this suggested policy might promote litigation rather than reduce the likelihood of it. There being no one else wishing to speak, public comment was closed.

Commissioner Mayer remarked that RTC of Southern Nevada and Clark County have drawn up resolutions about eminent domain and suggested staff get copies of those to see what is being done. Mr. Krause noted that Clark County had adopted an ordinance that addresses the keystone of the PISTOL initiative which is to not allow private property acquired through eminent domain to be transferred to another private owner for economic development purposes. He said he would get Commissioner Mayer a copy of that ordinance.

Commissioner Mayer said he would not want to make a decision on this matter until he see what the other entities have done.

On motion of Commissioner Mayer, seconded by Commissioner Larkin, which motion unanimously carried, Chairman Humke ordered that this matter be tabled until staff can gather more information about the matter, and that the executive director keep the Board informed of any initiatives at the Legislature related to this matter.

Deputy Executive Director Derek Morse said that he would present a legislative update to the Board every month while the Legislature was in session.

Item 10 LEGAL COUNSEL REPORT

Stan Peck, Legal Counsel, briefed the Board on pending legal actions. In the matter of *Nevadans for Sound Government, Janine Hansen, et al, v. RTC*, the Nevada Supreme Court found that RTC had acted property in imposing time, manner and place restrictions on the plaintiffs' activities, given the safety issues that existed at CitiCenter. The plaintiffs filed a case in Federal District Court in southern Nevada claiming their civil rights had been violated. The Federal District Court dismissed that case it is entirety.

Item 11 DIRECTOR ITEMS

Greg Krause, Executive Director, updated the Board on internal RTC issues, including the upcoming budget retreat scheduled for February 2. Commissioner Larkin asked if Mr. Morse

would have the long-long range planning map available at the retreat. Mr. Morse said he would take it to the retreat.

Item 12 MEMBER ITEMS

There were no member items.

There being no further business to come before the Board, the meeting adjourned at 12:25 p.m.

DAVID HUMKE, Chair
Regional Transportation Commission