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JOSEPH P. HARDY, JR., ESQ.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY

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**BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY
BOARD MEETING AND PUBLIC HEARING MINUTES**

December 14, 2010

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, December 14th, 2010. The meeting was held at the Taxicab Authority, 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. The meeting began at 1:30 P.M.

Present were: Chairman Ileana Drobkin, Member John G. Marushok, Member Robert Forbuss, Member Josh Miller and Member Joseph Hardy. Others present: were Administrative Services Officer Kenneth Mangum, Legal Counsel, Deputy Attorney General Scott R. Davis and Recording Secretary, Barbara A. Webb.

2. Compliance with Open Meeting Law.

ASO Kenneth Mangum stated that we were in compliance with the Open Meeting Law.

The Chair chose to take Agenda Items out of sequence as a board member had to leave early.

4. Public Comment

Steve Lanett, Whittlesea driver, commented that at the last meeting concern for the riding public was mentioned 17 times; for 2 years he's been hearing about long hauling and nothing has been done about that as yet. He feels signage at the airport and the hotels is what's needed and would like the Board to direct someone to have the signs put up.

Dustin Qualls, Yellow driver, commented that New Year's Eve is a weekend. He wanted to know how many times is an emergency meeting called and what is the procedure for an emergency meeting.

David Kober, YCS driver, commented that at the last emergency meeting cabs were added for National Finals Rodeo which is held at the Thomas & Mack and SEMA is held at the Convention Center – more cabs is not the answer because there's too many cabs and they can not move especially during SEMA where there are only 5 places to pick up and there were not accessible. He felt that no cabs were needed during NFR; maybe New Year's Eve but he feels the market is saturated and there are other solutions.

Richard Gray, Henderson driver, felt no cabs were needed during NFR nor are they needed for New Year's Eve.

Mike Fragoza, YCS driver, reiterated what Steve Lanett said about the 17 times that the riding public was mentioned. He asked who was concerned with the drivers. He feels the Board only cares about the companies. He said the drivers have taken a 30% pay cut in the past year and no one seems to care.

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Sari Wilde, Yellow driver, talked about Saturday, December 11th the last day of the rodeo. She came on shift at 12 Noon and went to Mandalay Bay Convention Center for the gift show where a traffic control person was moving cabs out because she was told there were too many cabs so she took her camera out and took pictures of the cab stand and brought them in to show the Board. She said that the staging areas at the Sands Expo during the Cowboy Christmas, the South Point and other hotel staging areas were full. She had pictures of staging areas at the Convention Center, Sands Expo and Mandalay Bay where there were hundreds of cabs and on Sunday, cabs were waiting all day. She said hundreds of cabs were at the T & M staging wherever they were able. She feels that the allocation on Sunday was not needed as cabs were waiting all day.

Sylvia Parish, A NLV driver, agreed with both drivers who mentioned the 17 times that the riding public was spoken about and also feels that no one worries about the drivers. She said that her company cut her hours back from 11-1/2 to 9 hours and she is having a problem paying her bills.

Vivian Bennett, Whittlesea driver, wanted to comment on New Year's. She asked that the Board worry about the drivers who have families to support and not worry about the companies.

Celeste Valentini, Union driver, commented that additional cabs are not needed. She said that she was ticketed for staging because there were too many cabs. She feels the Board should look at the cab stands and see how many cabs are staging.

Michael Warzlow, Henderson driver, stated that special interest should not influence the Board. He said he hopes the Board understands that cabs are not needed. He said regarding long hauling, other jurisdictions cite the company then the company with deal with the driver. He feels that the regulations should be changed so that the companies are responsible for the conduct of their employees.

Jane Battrell commented that more cabs are not needed. She gave an example regarding the Marathon where more people are driving into town. She said that her book on that Sunday was \$130 less than the year before.

Griffith Stern, Yellow driver, feels it has all been said but commented there is a great impact on the drivers with all the allocations that have been given. He said there are too many cabs on the road and doesn't feel that cabs are needed for New Year's Eve because it is on a weekend.

Andrew Turonie, Henderson driver, commented that during the rodeo they were told to leave Thomas & Mack Center because there too many cabs. He invited the Board to ride along with the drivers to see that they are being chased off by hotel security, going to the airport and getting chased off, staging and getting tickets and how they have to ride around for a long time waiting to get on a stand. He feels that any additional cabs would be unnecessary.

Mike Martello, Ace driver, commented regarding long hauling, he feels the solution is to have it policed by the companies and the TA. He believes if a driver is caught long hauling he should be suspended and the cab should be taken out of service the same length of time that the driver is suspended because the company and driver would then be responsible for long hauling. He said regarding extra cabs agrees with all the other drivers that they are not needed.

Timothy Whitehead stated he is pretty new to Las Vegas coming from Washington, D.C. where he said they didn't have all these numbers that are in the stats packet. He said that Union Cab has a decrease. Frias Companies is asking for more cabs with a decrease in numbers. His income is down, all the numbers are down. They are paying minimum wage when they ask for more cabs. He said the

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Monday, Tuesday, Wednesday cabs make no money yet there's special medallions out there. Why don't you put those cabs on Friday, Saturday and Sunday which would have been easier. There asking for more cabs to increase their income and they don't care about the drivers. He finds it more appalling that no one does anything about the situation. In Washington, D.C., the company as well as the driver gets fined. He said the Board needs to put their foot down.

Sam Moffett, YCS steward, said that the one issue that concerns him is the emergency meeting that was called to allocate medallions for the rodeo. He was curious that when there is evidence given, does the Board check the issue out. He said that the Las Vegas Sun had an article last year about the new stadium they want to build in Dallas to stage the fights because it's bigger and their screens are bigger. The reporter asked Jerry Jones if he wanted to move the rodeo down there to which he answered the rodeo is during the football season he probably would not close the stadium to football for the rodeo. He stated the Board should investigate what the evidence is instead of listening to other people.

This is the end of Public Comment.

5. Discussion with Stephen Patterson, Traffic Manager for LVCVA regarding the taxicab service during the past month.

Mr. Patterson stated that SEMA was at LVCVA the first week of November with 113,000 attendees and that it was tough getting cabs in because SEMA has displays where cabs usually stage. He stated that service was adequate, but tough. He said that show breaks are when cabs are needed most. He said normally it takes an hour to clear everyone from LVCVA after the show but this time it was 1-1/2 hours before it was cleared. He commended Frias and YCS for the help their road supervisors give during all the shows and that it makes a difference in the flow of cabs. During Cowboy Christmas they were very satisfied with the service. He commented that CES is coming in January with 120,000 expected attendance which is LVCVA's largest annual event. World of Concrete and ConExpo will be coming during the same time with a total expected attendance at 199,000.

6. Discussion with Jeff Zamaria from the Sands Expo regarding taxicab service.

No one attended.

7. Discussion with Heidi Nizowitz from the Mandalay Bay Convention Center regarding taxicab service.

No one attended.

Agenda Items 10, 11 and 12 will be discussed at the same time.

***10. Discussion and Possible Decision regarding a temporary allocation of medallions for 2010/2011 New Year's Eve.**

Before discussion was started, Member Hardy stated he had worked with Mark James through another company where Frias was a client regarding a land issue, but felt he would be fair in his decision.

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Kelly Kuzik made his presentation stating that staff's recommendations for New Year's Eve are 8 medallions per company from 6:00 P.M. to 6:00 A.M. and for CES and the SHOT Show/World of Concrete staff recommends no medallions.

After much discussion between the Board and Mr. Kuzik, intervenors were asked to make their presentations.

Intervenors were Whittlesea Blue/Henderson Taxi, Desert Cab, Yellow/Checker/Star Cab Companies, Nellis Cab, A Cab, Lucky Cab, Frias Holding Company, United Steelworkers and ITPE Union and were all given intervenor status.

Cheryl Knapp, WB/Henderson Taxi – her recommendation for New Year's Eve – *Thursday, December 30 – 5 medallions from 12 PM – 2 AM – any 12 hours; Friday, December 31 – 8 medallions – 7 AM – 7 PM – any 12 hours; Saturday, January 1st – 7 medallions – 7 AM – 7 PM and 10 medallions – 12 PM – 2 AM – any 12 hours; Sunday, January 2nd – 7 medallions – 7 AM – 7 PM.*

Desert Cab, Yellow/Checker/Star, Nellis Cab, A Cab, Lucky Cab, and Frias all support Whittlesea's recommendation.

John Moran – Western Cab – had nothing to add but will participate in allocation. United Steelworkers Union and ITPEU support staff's recommendation.

After much discussion, Board made their motion as follows –

New Year's Eve –

Motion: Proposal submitted by Whittlesea Blue and agreed upon by industry which is as follows -
Thursday, December 30 – 5 medallions from 12 PM – 2 AM – any 12 hours
Friday, December 31 – 8 medallions – 7 AM – 7 PM – any 12 hours
Saturday, January 1st – 7 medallions – 7 AM – 7 PM
and
10 medallions – 12 PM – 2 AM – any 12 hours
Sunday, January 2nd – 7 medallions – 7 AM – 7 PM.

Giving the Administrator the power to pull cabs off road if determined to be too many

By: Member Josh Miller

Second: Chair Drobkin

Vote: Passed unanimously

***11. Discussion and Possible Decision regarding the temporary allocation of medallions for the 2011 International Consumer Electronics Show (CES) which runs concurrently with the 2011 Adult Entertainment Expo from Thursday, January 6, 2011 through Sunday, January 9, 2011.**

Per Kelly Kuzik, staff recommended no medallions for this show.

Intervenors were Whittlesea Blue/Henderson Taxi, Desert Cab, Yellow/Checker/Star Cab Companies, Nellis Cab, A Cab, Lucky Cab, Frias Holding Company, United Steelworkers and ITPE Union and were all given intervenor status.

Cheryl Knapp, WB/Henderson Taxi – her recommendation for CES and Adult Entertainment Expo – *Wednesday, January 5th – 5 medallions per company – 12 PM – 2 AM – any 12 hours; Thursday, January 6th through Saturday, January 8th – 15 medallions per company; 7 AM – 7 PM and 15 medallions per company – 12 PM – 2 AM – any 12 hours; Sunday, January 9th – 15 medallions per company – 7 AM – 7 PM.*

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Desert Cab, Yellow/Checker/Star, Nellis Cab, A Cab, Lucky Cab, and Frias all support Whittlesea's recommendation. John Moran – Western Cab – had nothing to add but will participate in allocation. United Steelworkers Union and ITPEU support staff's recommendation.

After much discussion. Board made their motion as follows –
CES and Adult Entertainment Expo –

Motion: Proposal submitted by Whittlesea Blue and agreed upon by industry which is –
Wednesday, January 5th – 5 medallions – 12 PM – 2 AM – any 12 hours
Thursday, January 6th through Saturday, January 8th – 15 medallions – 7 AM – 7 PM
and 15 medallions – 12 PM – 2 AM – any 12 hours
Sunday, January 9th – 15 medallions – 7 AM – 7 PM.

Giving the Administrator the power to pull cabs off road if determined to be too many

By: Chair Drobkin

Second: Member Forbuss

Vote: 4 to 1 with Member Hardy stating he felt 12 or 13 medallions would suffice

***12. Discussion and Possible Decision regarding the temporary allocation of medallions for the 2011 SHOT Show and the 2011 World of Concrete which run concurrently from Tuesday, January 18, 2011 through Friday, January 21, 2011.**

Kelly Kuzik stated staff's recommendation was no medallions.

Intervenors were Whittlesea Blue/Henderson Taxi, Desert Cab, Yellow/Checker/Star Cab Companies, Nellis Cab, A Cab, Lucky Cab, Frias Holding Company, United Steelworkers and ITPE Union and were all given intervenor status.

Cheryl Knapp, WB/Henderson Taxi – her recommendation for the SHOT Show and World of Concrete - *Tuesday, January 18th through Saturday, January 22nd – 5 medallions per company – 12 PM – 2 AM – any 12 hours; Thursday, January 6th through Saturday, January 8th – 15 medallions per company; 7 AM – 7 PM and 15 medallions per company – 12 PM – 2 AM – any 12 hours; Sunday, January 9th – 15 medallions per company – 7 AM – 7 PM.*

Desert Cab, Yellow/Checker/Star, Nellis Cab, A Cab, Lucky Cab, and Frias all support Whittlesea's recommendation. John Moran – Western Cab – had nothing to add but will participate in allocation. United Steelworkers Union and ITPEU support staff's recommendation.

After much discussion. Board made their motion as follows –

SHOT Show and World of Concrete -

Motion: Tuesday, January 18th through Saturday, January 22nd –
5 medallions per company – 7 AM – 7 PM

And

5 medallions per company – 12 PM – 2 AM any 12 hours

Granting the Administrator the authority to pull cabs if determined to be too many

By: Member Miller

Second: Member Marushok

Vote: Passed unanimously

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*3. Approval of the Minutes from the October 26th, 2010 Board Meeting.

Motion: Approve October 26th Minutes

By: Member Miller

Second: Member Marushok

Vote: Passed 3 to 3 – Chair Drobkin and Member Hardy were not on the Board

8. Discussion from Board Members regarding the Long Hauling Workshop.

Kelly Kuzik commented that the last discussion regarding the long hauling issue revolved mostly around signage and who was going to pay for it and at what locations.

Member Miller asked if anyone has spoken with the airport and Kelly said he had gotten no response. Member Forbuss said he had met with them and they said that as long as we pay for it, they will post it. Chair Drobkin asked if we knew the cost and Kelly said no because they weren't able to get a quote because they were going to use the airport's sign shop to see if we could get a quote. The Chair asked if they could work with another sign shop to get a quote and see what's needed. Member Forbuss said that had to be coordinated with Randy Walker and Chair asked if he could help with that and he agreed. The DAG commented that the airport shop should be used. The Chair said that Member Forbuss would help getting that started. Member Miller said he thought the language would be discussed further. Kelly stated that the Administrator and he had met with Mr. Schwartz and Bill Shranko at YCS and they circulated it but there was no response on it. Member Miller asked where they were at on it. The Chair asked if there was a time frame so it'll get done quicker and Kelly said if the signage could be decided and then meet with the airport, but another issue would be where to put the sign and will Mr. Walker agree to it and then where else should it be posted, will the hotels agree. The Chair said the first step is getting it at the airport and what is the timeframe and Member Forbuss said 60 days was good. Kelly said he has a copy of the draft so he can get it going. Member Marushok asked if the Unions have seen it. Mr. Schwartz commented that he would give an update on it after Kelly is done.

DAG Davis said there were only 2 interventions on this from Lucky and Frias. He stated that he does not have an intervention for this discussion item. He said this is not in and of itself a workshop so staff always has the right to participate, otherwise one needs a petition to intervene to participate. The Chair asked if discussion can be allowed of anyone else and the DAG said only Lucky and Frias because they intervened on these.

Jonathan Schwartz said he believed it could be discussed during public comment and the DAG said we had public comment. Chair Drobkin asked what she can do to allow them to come forward and the DAG said it can be rescheduled and discussed at the January meeting. The Chair asked if Frias wanted to come up and discuss this.

Neal Tomlinson for Frias, said he wasn't sure what was being discussed and asked the Chair if was the signage and she said yes. Bill Shranko said that when they originally intervened in this we were told by staff that their intervention was in place for this. The Chair asked if she could allow YCS to speak and the DAG said no. The Chair asked if she could open up Public Comment for this one item. DAG asked for a recess, which was approved.

The Chair said they were reconvening and continuing with the interventions. She asked if Frias was passing and Mr. Tomlinson said no he had intervened. They haven't spoken yet, but would wait for Mr. Schwartz to speak.

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The DAG asked if she was opening it up to Public Comment and she no she is not. The DAG said there is no intervention from YCS. He said she can allow them to speak if she opens discussion up for public comment. The Chair said it was opened up for public comment so everyone gets a chance to speak.

Jonathan Schwartz, YCS, commented that a draft proposal for a sign at the airport was distributed to the Board. He said the figures and language stated are a product of 160 hours of research by their driver supervisors which was requested by Gordon Walker. They did 20 different trips, different times of the day and different days of the week to come up with the figures. He stated that they had met with Lt. Wingard and Kelly Kuzik to go over the draft. He said it was distributed to all the cab companies and one is available at the TA. He said there was support for this and the next step is to get McCarran to agree so they can get a bid and have the sign made. He said that's where it stands at this point and feels it will help with the long hauling problem.

Stephen Lanett, Whittlesea driver, said he likes the verbiage, but does not agree with the fare range. He does appreciate all the man hours put into this, but he feels he has spent a lot more than 160 hours over the years. He said he has never received a low book warning from his company and he does not engage in long hauling. He said that time management is how it works. He doesn't understand how any ride would meet the high end range that YCS has posted unless there was an accident to deal with. He commented on remarks made by one of the owners who said that his drivers make \$400 - \$500 on a shift and he said unless they are long hauling that is not possible when he is high book for his company at \$100. He feels their trip sheets should be checked.

Shari Wilde, Yellow driver, stated that she felt the high end on the signage should be removed. She feels there too much flexibility.

Mike Fergoza questioned Desert's averages. He states that in 9 years driving he has never long hauled and the only time he booked over \$500 was when he went to Pahrump. He feels the Board should look into the long hauling issue because it is hurting the honest drivers.

Intervenors Frias Company and Lucky Cab.

Neal Tomlinson on behalf of Frias stated that they have some issues with the proposed verbiage – Frias is consistently among the lowest in the industry regarding revenue per trip. They feel it is a joint effort between the companies and the TA to train the drivers and enforcement issues. He commented that Harry Waters testified a couple of years ago that the tunnel is getting a bad reputation when it was built for the cab drivers to use so they would not interfere with normal traffic. He feels they should be invited here again to discuss it. All drivers that take the tunnel are not long hauling. He feels the issue is the training and enforcement and feels someone from the airport should be invited to come and talk about the use of the tunnel. He feels the tunnel should be used in the way it was intended, but not abused as is being done. He said they also have a concern with the range, but feels if there's one figure and a person is charged more they will complain. He feels if the driver knows he can charge the high end, he will do it. He doesn't know what the solution is, but maybe it's additional training. The Chair asked what his suggestion would be regarding the wording. Some areas have vouchers with fares and there's complete information as to how to do that. Another point would be to get some input from the hotels as there are only a few hotels on the list and the others may feel slighted. Because of those concerns, they cannot support this affidavit.

Member Hardy asked what solution do they have to offer because without a solution the Board cannot make a decision. Mr. Tomlinson said he was never clear on what the problem was because no data of specifics was ever given. He feels identifying the real problem has to be available before something can be done. He feels that a tunnel ride should not always be considered a long haul. Member Hardy

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wanted to know whether it is because it's faster or why wouldn't it be long hauling. Mr. Tomlinson stated it depends on what part of the city the person needs to go. He feels before a solution is considered the problem needs to be identified. Member Hardy wanted to know how long this has been going on. He was told there have been several workshops. He agrees with Mr. Tomlinson that something needs to be done.

Desiree Dante, Lucky Cab, commented that it's a vicious cycle that keeps on being discussed. She thought that at the last workshop Mr. Schwartz was asked to come up with the verbiage, it be put in front of the Board, have the airport check it and move forward, now she feels nothing has been accomplished. Maybe it can be tweaked a little, but she doesn't want it dragged out. She feels the ranges are a must even if some are on the high end but that may be okay depending on the time of day and traffic. She said maybe stating in the verbiage that rates may be higher if taken through the tunnel. Member Miller asked if the high end is the tunnel route. She said yes. He said he feels that the tunnel routes should not be excluded, that's his concern.

9. Discussion regarding the proposed temporary changes to Chapter 706 of the Nevada Administrative Code relating to the use of Credit Cards and Debit Cards as means of payment for taxicab service and providing other matters properly related thereto.

DAG Davis stated that he was asked by the Acting Administrator to participate in this discussion on behalf of staff to let the new Board Members what is going on. There is a proposed draft of some changes to the Administrative Code and some changes to existing provision. In April the Board approved an application filed by the Frias Companies to set a uniform fee of \$3.00 for each instance which a passenger pays for a taxicab service with a debit/credit card. The approval came about after a couple of board meetings where the fee was discussed and where there were some concerns by the board members regarding the transactions not being regulated by the TA about properly notifying that a fee would be charged in advance, having passenger giving the driver their card to process payments as well as adequately protecting the passengers personal information, credit card expiration date, etc. Back in April, the Board approved the fee with the understanding that it would be enacting these credit card transactions and address some of the concerns. Frias and YCS voluntarily stated that they would comply with some of the measures to address the Board's concern including notification on the outside door of the cab and using advanced equipment to protect the payment information of the passengers. Following the approval of that, the rulemaking process began which is in the Administrative Procedures Act that has to be followed imposing a regulation on the industry. He began drafting regulations to address the Board's concerns. After the initial draft was prepared a workshop was held in June with staff, industry and public to discuss the proposed regulation and some of the provisions that came out of that; a 2nd workshop was held in August to discuss the 2nd draft where additional changes were made. These workshops are required in rulemaking. In November the final step of the process was to take place with a public hearing and then Board action to adopt or not adopt with further revisions to the draft to the proposed regulations, but the November meeting was canceled and we were not able to put it on today's meeting as an action item because the Administrative Procedures Act imposes a 30-day notice requirement and we did not have 30 days since the cancellation of November's meeting. We expect it will be on a future agenda when we are able to meet the 30 day notice provision.

You have the final draft of the regulation from the workshop in front of you to go over what is in the regulations. The first section - Section 2 are definitions of what we are addressing in the regulations including the definition of the taxicab technology system which would be the electronic equipment used to process the credit card as a component of the taximeter. Section 3 the requirement of notification to be provided to the passenger on the outside of the cabs, giving the Administrator the authority of the content. Section 4 requires use of the cab technology system of the transactions regarding the protection of the payment information giving the administrator the authority to determine what is

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adequate and then approve them for usage which is also Section 5. Section 6 is the enforcement provision to take action against drivers who do not comply with the requirements. Section 7 is codification that the revenue from the transaction fee be reported separately on the annual financial reports currently submitted to the TA. Section 8 is a proposed amendment to an existing regulation dealing with providing receipts to passengers. Currently receipts are given upon passenger request only where this would make receipts required which are generated by the equipment. The information on the receipt includes the company and the taxi number which would be helpful to the TA in situations where after the passenger realizes they were long hauled, they would be able to have all the information needed if they want to make a complaint. The next step in the process is to hold a public hearing at a future meeting considering all the comments made.

Does anyone have any questions? Member Hardy wants to make sure it is on next month's agenda. The DAG said that it would be but the interviews will be held for the Administrator's position which is a long process. We'll talk about it as we get closer to the January meeting.

DAG Davis said there were some interventions filed on this item.

Intervenors were – Whittlesea, Desert, YCS

Cheryl Knapp – Whittlesea – no comments today.

George Balaban – Desert – no comments.

YCS – Bill Shranko – prior to the credit card installations, several companies had them in with no regulations. Many people thought there was no need for regulations and some still feel there is no need for a regulation. When Frias originally proposed legislation, the board thought they were able to get an Attorney General Opinion that said not only could they regulate but they should regulate so we have no problem with that, however there are at least 3 companies who were in the testing phase who were unable to install before regulatory regulation so you have several companies now operating who are allowed to use credit cards and take advantage that market and some of us are waiting so this process has been delayed for some time now. We are still in the test phase and are okay if we continue to test. They will agree with whatever the Board decides and agrees that there are some major issues coming up so it may not be able to be on the January agenda. There may be some legal options because of how long it is taking and they are losing revenue. Member Hardy asked if he agreed with sooner than later and Bill Shranko said yes. Member Miller said they had told the industry if they were implementing a credit card system that it appeared that the companies that had them in place were following the same parameters you would stay within those parameters the Board would be very mindful of that. The Board encouraged you to move forward and we said we would work with you with any regulations in place.

Nellis – A Cab – Lucky – Western – ITPEU – USW - no comment.

Neal Tomlinson – Frias – they've been very involved in the process and they are looking forward to going forward as well.

13. Staff Report

Kelly Kuzik made his presentation commenting that this is the 14th month in a row that trips were up. He said that Frias' numbers are down due to hours of shift change. He said all the numbers look very good.

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Member Miller questioned Kelly if the signage high-end rate included the tunnel and was told yes and Member Miller didn't think they should be included. Even though the DAG interjected that that was a different agenda item, discussion continued with Member Miller stating that staff had a report that was never circulated to the Board and Kelly commented that it's hard to determine what is and what is not a long haul and if the driver tells the passenger if we take the tunnel it will be longer which is what they are supposed to do, that should be included in the routes in the verbiage. Unless the wording in the statute is changed. Member Miller stated that it is addressed in the first paragraph, so if the tunnel route is included in the wording, it doesn't address the issue.

14. Report of Legal Counsel

DAG Scott Davis stated that the Handicab issue is pending in District Court. We've submitted our brief on that. There is a hearing scheduled for January 10th. Also pending a Motion to Dismiss by NTA on January 3rd which we joined in that motion.

A second appeal was filed from this Board's decision to dismiss the complaint filed by Neil Beller on behalf of Déjà vu which is pending before the NTA. We filed our brief on that and we're wait Déjà vu's final reply which should be due by December 16th. As of now, it is not on NTA's Agenda.

He commented that we are participating in a petition before the Supreme Court for re-hearing which involves a case coming out of the 2nd District Court in Washoe County. One of the issues is the population of Washoe County and does it exceed 400,000. Our jurisdiction of limits is based on population of a county therefore we have an interest in that. Our argument is that Washoe County's population does not exceed 400,000 currently according to the 2000 census.

15. Adjournment.

Motion: Chair Drobkin
Vote: Passed unanimously.

Meeting adjourned at 4:40 P.M.

Respectfully submitted by:

Barbara A. Webb, Recording Secretary Date

Approved by:

Ileana Drobkin, Chairman Date

**Lt. Joseph Wingard Date
Acting Administrator**