CARSON CITY CONSOLIDATED MUNICIPALITY NOTICE OF MEETING OF THE CARSON CITY CHARTER REVIEW COMMITTEE

Day: Date: Time: Location: Tuesday June 29, 2010 Beginning at 5:30 p.m. City Hall, Capitol Conference Room 201 N. Carson Street Carson City, Nevada

Agenda

- 1. Call to Order
- 2. Roll Call

6.

- 3. Action on Approval of Minutes May 25, 2010
- 4. Adoption of Agenda

5. Public Comments and Discussion:

The public is invited at this time to comment on and discuss any item not on the agenda that is relevant to, or within the authority of, the Carson City Charter Review Committee. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Public comment during individual agenda items will be taken on the item at the time the item is called for hearing.

Agenda Items

A) Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances.

Staff Summary: Between April 12 thru May 14, 2010 public input was solicited on the City's website. The amendment was submitted by Sara Ellis. At the May 25, 2010 committee meeting, the matter was discussed and the committee asked for additional information on the types of activities that the Sierra Nevada Association of Realtors would like to prohibit. Staff was provided a memorandum in support of the request.

B) Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter requiring that a grand jury be impaneled at least once every four years.

Staff Summary: NRS Chapter 6 governs the impaneling of grand juries. NRS 6.110 requires that counties with a population of 100,000 or more must impanel a grand jury at least once every four years. NRS 6.120 governs counties with populations of less than 100,000 and states that the provision of NRS 6.110 does not apply unless otherwise directed by a district judge. NRS 6.130 and NRS 6.132 describe the process where taxpayers may petition to have a grand jury impaneled. Where there is evidence of misappropriation of public funds, an affidavit or petition by three taxpayers is sufficient to request a grand jury.

C) Discussion and possible action on a date for a joint meeting with the Board of Supervisors and the Charter Review Committee.

Staff Summary: The Charter Review Committee will meet with the Board of Supervisors in a joint meeting to provide a status report and briefing of their work.

7. Action to Adjourn

Titles of agenda items are intended to identify specific matters. If you desire detailed information concerning any subject matter itemized within this agenda, you are encouraged to call the responsible agency or the City Manager's Office. You are encouraged to attend this meeting and participate by commenting on any agendized item.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Manager's Office in writing at 201 North Carson Street, Carson City, NV, 89701, or by calling (775)887-2100 at least 24 hours in advance.

This agenda and backup information are available on the City's website at

www.carson-city.nv.us

This notice has been posted at the following locations:

Community Center 851 East William Street Public Safety Complex 885 East Musser Street City Hall 201 North Carson Street Carson City Library 900 North Roop Street

Date: June 23, 2010

CARSON CITY CHARTER REVIEW COMMITTEE Minutes of the May 25, 2010 Meeting Page 1

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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, May 20, 2010 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

- PRESENT: Chairperson Donna DePauw Vice Chairperson Ernie Adler Member Ron Allen Member Stephen Lincoln Member Chris MacKenzie Member Gail Parsons Member Bruce Robertson
- **STAFF:** Larry Werner, City Manager Melanie Bruketta, Chief Deputy District Attorney Janet Busse, City Manager's Office Supervisor Deborah Gottschalk, Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

1 - 2. CALL TO ORDER AND ROLL CALL (1-0027) - Chairperson DePauw called the meeting to order at 5:31 p.m. Roll was called; a quorum was present.

3. ACTION ON APPROVAL OF MINUTES - March 30, 2010 (1-0038) - Member Lincoln moved to approve the minutes. Member Adler second the motion. Motion carried 7-0.

4. ADOPTION OF AGENDA (1-0038) - Chairperson DePauw welcome the citizens, and entertained modifications to the agenda. None were proposed.

5. **PUBLIC COMMENTS AND DISCUSSION** (1-0070) - None.

6. AGENDA ITEMS

6-A. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO ARTICLE 6, SECTION 6.010 OF THE CHARTER REGARDING BICYCLE PATHS AND PEDESTRIAN WALK WAYS (1-0093) - Chairperson DePauw introduced the item and gave background information. In response to a comment, Mr. Werner clarified the process for submitting bill drafts to the legislature. He explained that the Board of Supervisors has the authority to construct bicycle paths and pedestrian walk ways without the necessity of a charter amendment. Member Adler provided clarification as to the purpose of this agenda item. In response to a question, Ms. Bruketta clarified the process for submitting a recommendation to the Board of Supervisors.

Chairperson DePauw called for public comment and introduced Parks and Recreation Commission Chair Donna Curtis. Mr. Curtis discussed the Convention and Visitors Bureau's emphasis on building a trail system. She provided an overview of the purpose of the Unified Pathways Master Plan relative to trail connectivity through the community.

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Ron Moe introduced himself, for the record, and inquired as to standard dimensions for bicycle and pedestrian pathways. Chairperson DePauw recommended contacting the Parks and Recreation Commission. In response to a question, Mr. Werner advised that bicycle paths are under the purview of the Regional Transportation Commission and the Parks and Recreation Commission.

Member Lincoln moved against recommending to the Board of Supervisors an amendment to Article 6, Section 6.010 of the Charter regarding bicycle paths and pedestrian walk ways due to the fact it can be taken care of by the Board of Supervisors. Member Allen seconded the motion. Vice Chairperson Alder advised of concerns relative to not forwarding the recommendation, and discussion ensued. Chairperson DePauw called for a vote on the pending motion. Motion carried 5-2.

6-B. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING DISTRICT LINES AND REAPPORTIONMENT, WHEREBY THE TOTAL INCORPORATED AREA OF CARSON CITY BE INCLUDED IN ONE DISTRICT RATHER THAN THREE (1-0560) - Chairperson DePauw introduced the item and Member Parsons provided background information. Member Adler provided additional clarification relative to the history of the three assembly districts.

Chairperson DePauw called for public comment and, when none was forthcoming, entertained a motion. Vice Chairperson Adler moved to request the Board of Supervisors to consider one assembly district. Member Lincoln seconded the motion. Motion carried 7-0.

6-C. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO ARTICLE 2 OF THE CHARTER REGARDING THE SPECIFIC JOB DUTIES AND RESPONSIBILITIES OF THE BOARD OF SUPERVISORS (1-0663) - Chairperson DePauw introduced the item, and solicited input of the committee members. When none was forthcoming, she entertained public comment. Mr. Werner explained that the Board of Supervisors, as elected officials, have no job description. Steve Waclo thanked Mr. Werner for the clarification and requested to withdraw this item from consideration. Member Allen motion to remove item 6-C. Member Lincoln seconded the motion. Motion carried 7-0.

6-D. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.170 OF THE CHARTER REGARDING ABATEMENT OF EXCESSIVE NOISE THAT HAS A NEGATIVE EFFECT ON THE QUALITY OF LIFE OF RESIDENTS (1-0722) - Chairperson DePauw introduced the item. Mr. Werner provided background information on past consideration given to establishing a noise ordinance, and advised that the Board of Supervisors has authority to do so. Vice Chairperson Alder advised of having received numerous complaints about the City not having a noise ordinance. Mr. Werner advised that Supervisor Shelly Aldean is working with City staff to draft a noise ordinance. Discussion took place with regard to enforcement issues and a nuisance definition. Member Allen moved to not recommend a Charter amendment as the Board of Supervisors has the necessary authority to enact a noise ordinance. Member MacKenzie seconded the motion. Member Lincoln suggested recommending that the Board of Supervisors enact a noise ordinance "so this item is not revisited by the committee two years from now." Chairperson DePauw called for a vote on the pending motion; motion carried 4-3.

CHARTER REVIEW COMMITTEE Minutes of the May 25, 2010 Meeting Page 3

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6-E. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING ANY SUBSIDIZING OF SEWER AND WATER HOOKUP BE PUT TO A VOTE OF THE PEOPLE (1-1163) - Chairperson DePauw introduced the item. Ron Moe, who submitted this item, recommended withdrawing the item. Vice Chairperson Adler moved to remove item 6-E. Member Allen seconded the motion. Motion carried 7-0.

6-F. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING ANY SALES AND PROPERTY TAX INCREASES BE PUT TO VOTE OF THE PEOPLE (1-1175) - Chairperson DePauw introduced the item. Ron Moe discussed the purpose for requesting this item be agendized. Following discussion, Member MacKenzie advised that state statute would have to be amended to give power to the voters over increases in sales and property taxes.

Member Lincoln moved that the committee not recommend an amendment to the Charter regarding any sales or property tax increases to be put to the vote of the people. Member Allen seconded the motion. Vice Chairperson Alder recommended an amendment to indicate that the recommendation cannot be made because of the current constitutional structure. Member Lincoln so amended his motion. Member Allen continued his second. Motion carried 7-0.

6-G. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.320 OF THE CHARTER REGARDING A COMPREHENSIVE REVIEW OF ALL ADVISORY BOARDS AND THEIR MEMBERS (1-1446) -Chairperson DePauw introduced the item and provided background information. She entertained questions or comments and, when none were forthcoming, a motion. Member Robertson moved to not recommend to the Board of Supervisors an amendment to Section 2.320 of the Charter regarding a comprehensive review of all advisory boards and their members because adequate authority exists under the current Charter. Vice Chairperson Adler seconded the motion. Motion carried 7-0.

6-H. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO INCLUDE A "MISSION STATEMENT" AS THE FIRST ARTICLE IN THE CARSON CITY CHARTER (1-1490) -Chairperson DePauw introduced the item and entertained discussion. Member Allen pointed out that Carson City has a mission statement. Mr. Werner advised that the City's mission statement can be revised at any time. Chairperson DePauw called for public comments and, when none were forthcoming, a motion. Vice Chairperson Adler moved to not recommend this item. Member Allen seconded the motion. Motion carried 7-0.

6-I. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REQUIRING MANDATORY GARBAGE SERVICE FOR CARSON CITY RESIDENTS (1-1539) - Chairperson DePauw introduced the item. Donna Curtis read a written statement into the record, a copy of which she provided to the recording secretary. Chairperson DePauw entertained questions or comments. Member Werner advised that this is not a Charter issue and that the request should be forwarded to the Board of Supervisors. Discussion ensued.

CARSON RIVER ADVISORY COMMITTEE Minutes of the March 31, 2010 Meeting Page 4

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Chuck DeVall expressed opposition to mandatory garbage service. Chairperson DePauw called for additional public comments and, when none were forthcoming, entertained a motion. Member Allen moved to not recommend to the Board of Supervisors an amendment to the Charter requiring mandatory garbage service for Carson City residents. Member Lincoln seconded the motion. Motion carried 7-0.

6-J. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING LANGUAGE THAT WOULD PROTECT ESCROWS FROM ENCUMBRANCES (1-1889) - Chairperson DePauw introduced the item. Sierra Nevada Association of Realtors Government Affairs Director Sara Ellis provided background information on the purpose of this item. She suggested considering what other communities have done to encumber escrows and that Carson City amend its Charter to prevent this. Following discussion, Chairperson DePauw suggested deferring this item to the next meeting in order to provide sufficient time to research the matter. Ms. Ellis suggested amending the Charter to ensure escrows are not used "as a regulatory tool." Additional discussion followed.

Chairperson DePauw called for additional public comment and, when none were forthcoming, a motion. Member Lincoln moved to continue this item to the next meeting "and bring forth more information, specific encumbrancers, examples from other counties and charters." Vice Chairperson Adler seconded the motion. Motion carried 7-0.

6-K. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING THE EXPLOSION IN THE COST OF GOVERNMENT BY REDUCING OR ELIMINATING SERVICES AND ELIMINATING AUTOMATIC COMPENSATION INCREASES (1-2535) - Chairperson DePauw introduced the item. Chuck Devall provided background information on the purpose of this item. Mr. Werner explained the Board of Supervisors' purview over the City's budget, and discussed recent cutbacks. Discussion followed, and Member MacKenzie moved to not recommend to the Board of Supervisors an amendment to the charter regarding the explosion in the cost of government by reducing or eliminating services and eliminating automatic compensation increase. Member Lincoln seconded the motion. Motion carried 7-0.

7. ACTION TO ADJOURN (1-3002) - Member MacKenzie moved to adjourn the meeting at 7:48 p.m. Motion was seconded and carried 7-0.

The Minutes of the May 25, 2010 Carson City Charter Review Committee meeting are so approved this _____ day of June, 2010.

DONNA DePAUW, Chair

Carson City Agenda Report

Date Submitted: June 21, 2010

Agenda Date Requested: June 29, 2010 Time Requested: 5 mins

To: Charter Review Committee

From: Lawrence Werner, City Manager

Subject Title: Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances.

Staff Summary: Between April 12 thru May 14, 2010 public input was solicited on the City's website. The amendment was submitted by Sara Ellis. At the May 25, 2010 committee meeting, the matter was discussed and the committee asked for additional information on the types of activities that the Sierra Nevada Association of Realtors would like to prohibit. Staff was provided the attached memorandum in support of the request.

Staff Analysis: Staff's position has not changed in that this should be presented to the Legislature. It seems to be much further reaching than the limits of Carson City's Charter.

Type of Action Requested: (check one) (X) Formal Action/Motion (

(____) Other (Specify)

Recommended Committee Action: I move not to recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances.

Supporting Materials: Memorandum dated June 15, 2010.

Prepared By: Lawrence Werner, City Manager				
Reviewed By:		Date: _	6/22/10	
Committee Action Taken:				
Motion:	1) 2)			Aye/Nay
(Vote Recorded By)				

RE: Sierra Nevada Association of REALTORS® Carson City Charter Request

Madame Chair,

The 600 members of the Sierra Nevada Association of Realtors are thankful for the opportunity to submit additional information related to our request to add language to the Carson City Charter that ensures no requirements into the private transaction of the escrow process by the government of Carson City.

The Real Estate industry is in the midst of tumultuous times. This is impacting not only our members, but also home, business and property owners throughout Carson City.

We see this as an opportunity to ensure that home ownership is respected and encouraged, and to that end Carson City government will not over-extend their authority to the area of private real estate transactions involving its citizens.

Two recent attempts by the government to intervene in escrow transactions were rebuffed by the Nevada State Legislature. Both efforts would have resulted in additional costs to the transaction – either coming out of the buyer's cash-on-hand or out of the seller's equity. In many cases these requirements would have been unnecessary; for example, a childless couple being forced to retrofit their pool for child safety.

We are asking the Charter Review committee, to get ahead of these "government in your backyard" efforts, by making these types of government intervention prohibited in Carson City.

To that end, here is our proposed language for your consideration for inclusion in the Carson City Charter:

2.273 Power of Board on requirements on real property escrows

1. The Board shall not:

(a) impose any requirement on the escrow process

- (b) adopt any regulation that places requirements on the close of escrow
- 2. Escrow has the meaning ascribed to it in NRS 645A.010

We selected this language placement as it follows the other "prohibitive" section of the Carson City Charter Sec 2.272 "Franchises for the provision of telecommunication service."

Thank you again for your consideration.

Sincerely,

Dan Smith, President, Sierra Nevada Association of Realtors Bob Colvin, Chairman Government Affairs Committee, Sierra Nevada Association of Realtors. Date Submitted: June 7, 2010

Agenda Date Requested: June 29, 2010 Time Requested: 5 mins

To: Charter Review Committee

From: Chair Donna DePauw

Subject Title: Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter requiring that a grand jury be impaneled at least once every 4 years.

Staff Summary: NRS Chapter 6 governs the impaneling of grand juries. NRS 6.110 requires that counties with a population of 100,000 or more must impanel a grand jury at least once every four years. NRS 6.120 governs counties with populations of less than 100,000 and states that the provision of NRS 6.110 does not apply unless otherwise directed by a district judge. NRS 6.130 and NRS 6.132 describe the process where taxpayers may petition to have a grand jury impaneled. Where there is evidence of misappropriation of public funds, an affidavit or petition by three taxpayers is sufficient to request a grand jury.

Staff Analysis: There have been four grand juries impaneled in Carson City over the last 32 years; 1978, 1981, 1987 and 1998. The cost of the 1978 and 1981 grand juries is unknown. The cost of the 1987 grand jury was \$49,149 and the 1998 grand jury cost \$34,072.

Type of Action Requested: (check one)

(_X_) Formal Action/Motion (____) Other (Specify)

Recommended Committee Action: I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to the Charter requiring that a grand jury be impaneled at least once every 4 years.

Supporting Materials: NRS 6.110 through NRS 6.145

Prepared By: Lawrence A Werner, City Manager				
Reviewed By:	·	Date:	6/22/0	
Committee Action Taken:				
Motion:	1) 2)	-		Aye/Nay

(Vote Recorded By)

IMPANELING GRAND JURIES

NRS 6.110 Counties whose population is 100,000 or more: Selection of jurors and alternate jurors; listing and summoning jurors.

1. In any county having a population of 100,000 or more, the selection of persons as proposed grand jurors must be made in the manner prescribed in this section upon notice from any district judge as often as the public interest may require and at least once in each 4 years. The clerk of the court under the supervision of the district judge presiding over the impaneling of the grand jury shall select at random the names of at least 500 qualified persons to be called as prospective grand jurors. The clerk shall then prepare and mail to each person whose name was selected a questionnaire prepared by the district judge stating the amount of pay, the estimated time required to serve and the duties to be performed. Each recipient of the questionnaire must be requested to complete and return the questionnaire, indicating thereon his or her willingness and availability to serve on the grand jury. The clerk shall continue the selection of names and mailing of questionnaires until a panel of 100 persons who are willing to serve is established.

2. A list of the names of persons who indicated their willingness to serve as grand jurors must be made by the clerk of the court and a copy furnished to each district judge. The district judges shall meet within 15 days thereafter and shall, in order of seniority, each select one name from the list until 50 persons have been selected. A list of the names of the persons selected as proposed grand jurors must be made by the clerk, certified by the district judges making the selection and filed in the clerk's office. The clerk shall immediately issue a venire, directed to the sheriff of the county, commanding the sheriff to summon the proposed grand jurors to attend in court at such time as the district judge directs.

3. The sheriff shall summon the proposed grand jurors, and the district judge presiding over the impaneling of the grand jury shall select at random from their number 17 persons to constitute the grand jury and 12 persons to act as alternate grand jurors. If for any reason eight or more proposed grand jurors fail to appear, additional proposed grand jurors sufficient to complete the panel of grand jurors and alternates must be selected from the list of prospective grand jurors by the district judge presiding over the impaneling, and the persons so selected must be summoned to appear in court at such time as the district judge directs.

district judge directs. 4. Every person named in the venire as a grand juror must be served by the sheriff mailing a summons to the person commanding the person to attend as a juror at a time and place designated therein. The summons must be registered or certified and deposited in the post office addressed to the person at his or her usual mailing address. The receipt of the person so addressed for the registered or certified summons must be regarded as personal service of the summons upon the person and no mileage may be allowed for service. The postage and fee for registered or certified mail must be paid by the sheriff and allowed him or her as other claims against the county.

5. If for any reason a person selected as a grand juror is unable to serve on the grand jury until the completion of its business, the district judge shall select one of the alternate grand jurors to serve in his or her place. An alternate must be served by the sheriff in the manner provided in subsection 4.

[Part 8:65:1873; A 1879, 33; 1881, 26; 1915, 167; 1919, 377; 1927, 220; 1929, 45; 1943, 178; 1949, 513; 1943 NCL § 8478]—(NRS A 1959, 764; 1961, 403; 1965, 248; 1969, 313; 1973, 341, 1271; 1979, 293, 499; 1981, 332; 1983, 382; 1985, 1030)

NRS 6.120 Counties whose population is less than 100,000: Selection of jurors and alternate jurors; listing and summoning jurors.

1. In any county having a population of less than 100,000, the county clerk under the supervision of the district judge, shall randomly select the names of 50 qualified persons to serve as prospective grand jurors. The county clerk shall then prepare and mail to each person whose name was selected a questionnaire drawn up by the district judge or presiding district judge, where applicable, stating the amount of pay, the estimated time required to serve, and the duties to be performed. Each recipient of the questionnaire shall be requested to return the questionnaire, indicating on it his or her willingness to serve on the jury. The county clerk shall continue the selection of names and mailing of questionnaires until a panel of 36 persons who are willing to serve is established. The requirement of subsection 1 of NRS 6.110 that a grand jury must be called at least once in every 4 years does not apply to the county unless the district judge otherwise directs. A list of the names of the 36 persons who indicate their willingness to serve as grand jurors must be made and certified by the county clerk and filed in the county clerk's office, and the clerk shall immediately issue a venire, directed to the sheriff of the county, commanding the sheriff to summon the persons willing to serve as grand jurors to attend in court at such time as the district judge may have directed.

2. The sheriff shall summon the grand jurors, and out of the number summoned each district judge in rotation according to seniority, shall select one name from the venire until 17 persons to constitute the grand jury and 12 persons to act as alternate grand jurors are chosen.

3. Every person named in the venire as a grand juror shall be served by the sheriff mailing a summons to that person commanding the person to attend as a juror at a time and place designated therein, which summons shall be registered or certified and deposited in the post office addressed to the person at his or her usual post office address. The receipt of the person addressed for the registered or certified summons must be regarded as personal service of the summons upon that person and no mileage may be allowed for service. The postage and fee for registered or certified mail must be paid by the sheriff and allowed him or her as other claims against the county.

4. If for any reason a person selected as a grand juror is unable to serve on the grand jury until the completion of its business, the district judge shall select one of the alternate grand jurors to serve in his or her place. The alternate shall be served by the sheriff in the manner provided in subsection 3.

served by the sheriff in the manner provided in subsection 3. [Part 8a:65:1873; added 1949, 513; 1943 NCL § 8478.01]—(NRS A 1959, 765; 1961, 404; 1969, 95; 1973, 1272; 1979, 500; 1981, 333; 1985, 1031)

NRS 6.130 Permissible summoning of grand jury by filing of affidavit or petition by taxpayer.

1. In any county, if the statute of limitations has not run against the person offending, the district judge may summon a

grand jury after an affidavit or verified petition by any taxpayer of the county accompanied by and with corroborating affidavits of at least two additional persons has been filed with the clerk of the district court, setting forth reasonable evidence upon which a belief is based that there has been a misappropriation of public money or property by a public officer, past or present, or any fraud committed against the county or state by any officer, past or present, or any violation of trust by any officer, past or present. The district judge shall act upon the affidavit or petition within 5 days. If he or she fails or refuses to recall or summon a grand jury, the affiant or petitioner may proceed as provided in <u>NRS 6.140</u>.

2. If there is a grand jury in recess, the court shall recall that grand jury. If there is not a grand jury in recess, a new grand jury must be summoned.

[Part 8:65:1873; A 1879, 33; 1881, 26; 1915, 167; 1919, 377; 1927, 220; 1929, 45; 1943, 178; 1949, 513; 1943 NCL § 8478] + [Part 8a:65:1873; added 1949, 513; 1943 NCL § 8478.01]—(NRS A 1961, 674; 1967, 863, 1468; 1985, 1032; 2001, 751)

NRS 6.132 Summoning of grand jury by filing of petition by committee of registered voters.

1. A committee of petitioners consisting of five registered voters may commence a proceeding to summon a grand jury pursuant to this section by filing with the clerk of the district court an affidavit that contains the following information:

(a) The name and address of each registered voter who is a member of the committee.

(b) The mailing address to which all correspondence concerning the committee is to be sent.
 (c) A statement that the committee will be responsible for the circulation of the petition and will comply with all applicable requirements concerning the filing of a petition to summon a grand jury pursuant to this section.

(d) A statement explaining the necessity for summoning a grand jury pursuant to this section.
2. A petition to summon a grand jury must be filed with the clerk by a committee of petitioners not later than 180 days after an affidavit is filed pursuant to subsection 1. The petition must contain:

(a) The signatures of registered voters equal in number to at least 25 percent of the number of voters voting within the county at the last preceding general election. Each signature contained in the petition:

May only be obtained after the affidavit required pursuant to subsection 1 is filed;
 Must be executed in ink; and

(3) Must be followed by the address of the person signing the petition and the date on which the person is signing the petition.

(b) A statement indicating the number of signatures of registered voters which were obtained by the committee and which are included in the petition.

(c) An affidavit executed by each person who circulated the petition which states that:

The person circulated the petition personally;

(2) At all times during the circulation of the petition, the affidavit filed pursuant to subsection 1 was affixed to the petition;

(3) Each signature obtained by the person is genuine to the best of his or her knowledge and belief and was obtained in his or her presence; and

(4) Each person who signed the petition had an opportunity before signing the petition to read the entire text of the petition.

3. A petition filed pursuant to this section may consist of more than one document, but all documents that are included as part of the petition must be assembled into a single instrument for the purpose of filing. Each document that is included as part of the petition must be uniform in size and style and must be numbered.

4. A person shall not misrepresent the intent or content of a petition circulated or filed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

5. The clerk shall issue a receipt following the filing of a petition pursuant to this section. The receipt must indicate the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures which the committee indicates were obtained and which are included in the petition.

6. Within 20 days after a petition is filed pursuant to this section, the clerk shall:

(a) Prepare a certificate indicating whether the petition is sufficient or insufficient, and if the petition is insufficient, include in the certificate the reasons for the insufficiency of the petition; and

(b) Transmit a copy of the certificate to the committee by certified mail.7. A petition must not be certified as insufficient for lack of the required number of valid signatures if, in the absence of other proof of disqualification, any signature on the face thereof does not exactly correspond with the signature appearing on the official register of voters and the identity of the signer can be ascertained from the face of the petition.

If a petition is certified as:

(a) Sufficient, the clerk shall promptly present a copy of the certificate to the court, and the court shall summon a grand jury. If there is a grand jury in recess, the court shall recall that grand jury. If there is not a grand jury in recess, a new grand jury must be summoned.

(b) Insufficient, the committee may, within 2 days after receipt of the copy of the certificate, file a request with the court for judicial review of the determination by the clerk that the petition is insufficient. In reviewing the determination of the clerk, the court shall examine the petition and the certificate of the clerk and may, in its discretion, allow the introduction of oral or written testimony. The determination of the clerk may be reversed only upon a showing that the determination is in violation of any constitutional or statutory provision, is arbitrary or capricious, or involves an abuse of discretion. If the court finds that the determination of the clerk was correct, the committee may commence a new proceeding to summon a grand jury pursuant to this section or may proceed as provided in NRS 6.140. If the court finds that the determination of the clerk must be reversed, the court shall summon a grand jury. If there is a grand jury in recess, the court shall recall that grand jury. If there is not a grand jury in recess, a new grand jury must be summoned.

(Added to NRS by 2001, 750)

NRS 6.135 Impaneling of grand juries to investigate state affairs; payment of expenses.

1. Upon request of the Governor, or of the Legislature by concurrent resolution, the district judge of any county shall cause a grand jury to be impaneled in the same manner as other grand juries are impaneled, except that the sole duty of a grand jury impaneled under the provisions of this section shall limit its investigations to state affairs, and to the conduct of state officers and employees. The report of such grand jury shall be transmitted to the Governor and the Legislature. 2. The expenses of a grand jury impaneled under the provisions of this section shall be a charge against the General Fund of the State, to be certified by the district judge and paid on claims. (Added to NRS by 1957 548)

(Added to NRS by 1957, 548)

NRS 6.140 Application to Supreme Court for order directing selection and impaneling of grand jury. In any county, if the district judge for any reason fails or refuses to select a grand jury when required, any interested person resident of the county may apply to the Supreme Court for an order directing the selection of a grand jury. The application must be supported by affidavits setting forth the true facts as known to the applicant, and the certificate of the county clerk that a grand jury has not been selected within the time fixed or otherwise as the facts may be. The Supreme Court shall issue its order, if satisfied that a grand jury should be called, directing the county clerk to select and impanel a grand jury, according to the provisions of <u>NRS 6.110</u> to <u>6.132</u>, inclusive. [8b:65:1873; added 1953, 12]—(NRS A 1973, 1273; <u>2001, 752</u>)

NRS 6.145 Recess of grand jury. Upon the completion of its business for the time being, the court may, at the request of or with the concurrence of the grand jury, recess the grand jury subject to recall at such time as new business may require its attention.

(Added to NRS by 1967, 1467; A 1985, 557)

Date Submitted: June 22, 2010

Agenda Date Requested: June 29, 2010 Time Requested: 5 mins

To: Charter Review Committee

From: Lawrence Werner, City Manager

Subject Title: Discussion and possible action on a date for a joint meeting with the Board of Supervisors and the Charter Review Committee.

Staff Summary: The Charter Review Committee will meet with the Board of Supervisors in a joint meeting to provide a status report and briefing of their work.

Staff Analysis: N/A

Type of Action Requested: (check one) () Other (Specify) (X) Formal Action/Motion

Recommended Committee Action: I move to agendize the joint meeting with the Board of Supervisors and the Charter Review Committee for July 15, 2010.

Supporting Materials: N/A

Prepared By: Janet Busse, Office Supervisor

Reviewed By:	Date: _	6/22/0
(City Manager)		

ate:	6/22/10	

Committee Action Taken:

Motion:

1)	 Aye/Nay
2)	

(Vote Recorded By)