



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

Day: Tuesday
Date: May 22, 2012
Time: Beginning at 3:00 p.m.
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. 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. In order for members of the public to participate in the Committee's consideration of an agenda item, the Committee strongly encourages members of the public to comment on an agenda item during the item itself. No action may be taken on a matter raised under public comment unless the item has been specifically included on the agenda as an item upon which action may be taken.
- 4. For Possible Action: Approval of Minutes - April 17, 2012**
- 5. For Possible Action: Adoption of the Agenda**
6. For Possible Action: Review, discussion, possible action on a request to the Board of Supervisors to change the Charter to allow a ballot question as whether election primaries be by ward.
7. For Possible Action: Review, discussion, possible action to request the Board of Supervisors that the Charter be changed to have elections of supervisors by ward in the primary.
8. For Possible Action: Review, discussion, possible action a request to have the Board of Supervisors request a change to the Charter to have supervisor by ward voted on in the primary and general election.
9. For Possible Action: Review, discuss, possible action to change the Charter to make it mandatory that the city manager and all other department managers responsible for managing Carson City, when the city manager is absent from their position, be residents of Carson City for the duration of their employment. If a city manager when hired, lives outside of Carson City, must reside in Carson City 30 days from the date of appointment.

10. For Possible Action: Review, discussion, possible action on changing the Charter to elect five supervisors, with the rotation of mayor on a yearly basis.
11. Review and discussion of prior Charter Review Committee actions and recommendations for years 2006, 2008 and 2010. Information only.
12. Review of prior minutes from last 2010 Charter Review Committee meeting. Information only.
13. For Possible Action: Review, discussion, possible action on additional meeting dates for Charter Review Committee.
14. Discussion of any new agenda items for future Charter Review Committee meetings.
15. **Public Comment** - The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.
16. **For Possible Action: To Adjourn**

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Agenda Management Notice - Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

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 agenda 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.org/agendas*

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
- Business Resource & Innovation Center (BRIC) 108 East Proctor Street

Date: May 16, 2012

A regular meeting of the Carson City Charter Review Committee was scheduled for 3:00 p.m. on Tuesday, April 17, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Bruce Robertson
Member Ronald Allen
Member Linda Barnett
Member Christine Fregulia
Member Rob Joiner
Member Stephen Lincoln
Member Chris MacKenzie
Member Larry Messina (via telephone conference call)

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Janet Busse, City Manager's Office Supervisor
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the Clerk 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 (3:01:40) - Acting Chairperson Lincoln called the meeting to order at 3:01 p.m. Mr. Glover called the roll; a quorum was present. Member Messina was present by telephone conference call.

3. PUBLIC COMMENTS AND DISCUSSION (3:02:42) - Acting Chairperson Lincoln entertained public comment. Mayor Robert Crowell thanked the committee members for their valuable service to the community. He assured the committee members that he would seriously consider their recommendations as they are forwarded to the Board of Supervisors. As the City's constitutional document, he advised that proposed revisions to the charter should be considered in that context. "... if there are enabling provisions of our charter that are necessary in order to carry out the policy of the City, ... that's extremely important ... and something to consider presenting to the legislature." Matters which can be handled either through regulation or through ordinance that are already authorized or can be authorized by the Board of Supervisors should be addressed outside the charter / legislative process. Mayor Crowell reiterated his appreciation of the committee members' time and effort and wished them good luck.

(3:05:30) John Vettel expressed appreciation to the committee members for their service, and advised of having served as a past committee member. He requested the committee to consider a recommendation to the Board of Supervisors "that the elections in Carson City for the Board of Supervisors not be done at large but ... by individual wards." He expressed the opinion that the individuals elected as supervisors should be representing the interests of specific areas in the City. He expressed a further interest in "more and more people run[ning] for these positions and, right now, running through the entire City is a much greater expense in terms of time and dollars than it would be to have to focus on an individual ward." Mr. Vettel reiterated the request for the committee to consider a recommendation to change the method by which supervisors are elected from at-large to individual wards. He wished the committee great success.

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(3:07:34) Dennis Johnson, a candidate for the Board of Supervisors, requested the committee to keep in mind “there may be changes that have to be made. There may be changes that don’t have to be made. Our Constitution was drawn up to make it changeable but very difficult to be changed.” He requested the committee to carefully consider agenda items, and wished them well. Acting Chairperson Lincoln entertained additional public comment; however, none was forthcoming.

4. POSSIBLE ACTION TO ADOPT THE AGENDA (3:08:32) - Acting Chairperson Lincoln entertained modifications to the agenda and, when none were forthcoming, a motion to adopt the agenda. **Member Allen so moved. Member MacKenzie seconded the motion. Motion carried 9-0.**

5. INTRODUCTION OF CHARTER REVIEW COMMITTEE MEMBERS (3:08:52) - At Acting Chairperson Lincoln’s request, each of the committee members introduced themselves, provided background information on their appointments, and discussed their interest in serving.

6. POSSIBLE ACTION TO ELECT A COMMITTEE CHAIR AND VICE CHAIR (3:12:54) - Acting Chairperson Lincoln introduced this item, reviewed the agenda report, and entertained nominations for chair. Member Joiner nominated Donna DePauw as chair. In response to a question, Mr. Werner explained the process for electing a new chair in the event the appointing official does not continue in office. Acting Chairperson Lincoln entertained additional nominations and, when none were forthcoming, closed nominations for chair and entertained nominations for vice chair. Member MacKenzie nominated Bruce Robertson as vice chair. Acting Chairperson Lincoln entertained additional nominations and, when none were forthcoming, closed nominations for vice chair and entertained a motion. **Member Joiner moved to “include the two nominees.” Member Allen seconded the motion.** Acting Chairperson Lincoln entertained additional discussion; none was forthcoming. At Mr. Munn’s request, he entertained public comment. When none was forthcoming, he called for a vote on the pending motion. **Motion carried 9-0.**

7. REVIEW AND DISCUSSION OF THE NEVADA OPEN MEETING LAW (3:15:35) - Chairperson-elect DePauw introduced this item, and Mr. Werner reviewed the agenda report. Mr. Munn narrated a PowerPoint presentation of the Nevada Open Meeting Law, copies of which were distributed to the committee members and staff prior to the start of the meeting.

In response to a question, Mr. Munn discussed the various methods by which public testimony is accommodated in open meetings. In response to a further question, he suggested that the history of the City’s Charter can be reviewed through legislative actions and the City Clerk’s records. Mr. Werner suggested contacting Ms. Busse and / or reviewing the minutes, which are posted on the City’s website, and reviewing the meeting records which are available through the Clerk’s office.

Chairperson-elect DePauw expressed concern over a committee member appearing by telephone conference call. In response to a question, Mr. Munn advised that technology sufficient to accommodate the committee member’s attendance by telephone conference call makes it permissible. He further advised that participating in an open meeting by telephone conference call is not unusual. “It happens quite regularly ... because of ... busy schedules.” Mr. Munn acknowledged the difficulties, especially in consideration of “too many people on a phone,” and discussed various methods to accommodate such a circumstance relative to meeting notice.

Chairperson-elect DePauw clarified her concern in that “the public doesn’t have the same option as the member to be on a phone and communicate.” Mr. Munn explained that laws are written for the “larger ...

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circumstance. You can't write a law for every nuance that might occur. Sometimes the public who can't attend certainly are not as actively involved in their government." Mr. Werner confirmed that committee members attending meetings by telephone conference call is a regular occurrence. He assured the committee members that Member Messina was listening to the conversation and could participate in discussion and action via the telephone conference call. "There's no advantage or disadvantage to having him on the phone." In response to a further question, Mr. Munn reiterated that too many committee members needing to participate by telephone conference call would likely result in meeting cancellation. "It becomes technically impossible." Chairperson-elect DePauw expressed opposition to "the general public [being] pushed out of the same system that is available to members." Mr. Munn and Mr. Werner reiterated the legality of the practice. Chairperson-elect DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, thanked Mr. Munn for his presentation. She recommended that the committee members carefully review the PowerPoint presentation. Mr. Munn acknowledged that he had been assigned as the committee's counsel. Chairperson-elect DePauw entertained public comment; however, none was forthcoming.

8. REVIEW AND DISCUSSION ON THE PROCESS AND TIMELINE FOR THE CHARTER REVIEW COMMITTEE (3:49:26) - Chairperson DePauw introduced this item and, at her request, Mr. Werner introduced City staff. Mr. Werner proposed the same process to advertise in the local newspaper and on the City's website for anyone interested in recommending a charter amendment. He advised of having received more than a dozen recommendations, to date, for which agenda reports will be prepared, including a staff evaluation for each. The accumulated items will then be agendized at the next meeting for committee review, deliberation, and possible action. Mr. Werner reviewed the time frame for presenting the committee's recommendations to the Board of Supervisors in July, as part of a joint meeting with the committee. He explained that the Board of Supervisors would make a determination, at that meeting, whether or not to forward the committee's recommendations to the State Legislature. The State Legislature then determines whether or not to amend the City Charter.

Member Joiner commended the process on behalf of the public. In response to a question, Chairperson DePauw referred to the bylaws, copies of which were included in the agenda materials, delineating the process for committee members to request agenda items. In response to a comment, Mr. Werner explained the necessity of specifics in consideration of agenda and agenda report preparation. In response to a further question, he explained that recommendations should focus on proposed revisions to the charter which may be necessary to the City's function. He further explained that City staff does not conduct any outreach relative to public education on the charter. "... that would be extremely difficult to do as it's more of an inner workings than it is a general community engagement, but there are people out there that do get engaged and those are the ones we want to hear from." He clarified that community outreach would be difficult, if not impossible, to accomplish in a meaningful framework for the general populace. He further clarified that anyone is welcome to visit the City Manager's, the Clerk's, or the District Attorney's Offices to talk about the charter "... or how it works."

Chairperson DePauw entertained additional questions or comments of the committee members; however, none were forthcoming. She suggested publishing the committee's meeting schedule in the local newspaper. In response to a question, Mr. Werner advised that none of the proposed revisions to the charter were agendized for this meeting because the committee had not yet been selected nor had the process been defined. He reiterated that approximately a dozen requests had been received, to date, and that they will be agendized for the next committee meeting.

Chairperson DePauw entertained public comment. (4:00:31) Dennis Johnson inquired as to whether the

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public submissions will be compiled in a list. Mr. Werner advised that a list will be compiled and made continually available to the committee. He referred to the matrix of committee actions from the 2010 process included in the agenda materials. He advised that each person who submits an item will be notified of the meeting at which the item will be heard by the committee. Chairperson DePauw entertained additional public and committee member comments. None were forthcoming.

9. POSSIBLE ACTION TO SET THE MEETING DATES AND TIMES OF THE CHARTER REVIEW COMMITTEE (4:01:43) - Chairperson DePauw introduced this item, and referred to the agenda materials. Mr. Werner advised of the limitations associated with scheduling the Sierra Room, and acknowledged that the proposed meeting dates and times, listed in the February 16, 2012 memo included in the agenda materials, were selected based on room availability. **Member Lincoln moved to commit to the May 22 and June 26 meeting dates at 3:00 p.m. Member Allen seconded the motion.** Chairperson DePauw expressed concerns with regard to limiting the committee meetings to two and with regard to accommodating the public's participation. She expressed the belief that there should be at least five meetings. Member Lincoln clarified the intent of his motion based on the availability of the meeting room on the dates listed in the February 16, 2012 memo included in the agenda materials. "... just to confirm those two dates. That's all the motion is; doesn't say anything about any more or any less meetings." Chairperson DePauw entertained additional discussion on the motion and public comment. When none was forthcoming, she called for a vote on the pending motion. **Motion carried 9-0.**

Chairperson DePauw entertained discussion relative to additional meeting times and dates. Mr. Werner suggested "see[ing] where we're at after the May 22nd meeting." Chairperson DePauw expressed the opinion "we need to get going on this since we have already so many agenda items and we don't know what's going to be coming in the near future." She expressed the further opinion that some of the items will have to be agendized more than once, and recommended scheduling the next meeting for Monday, April 30th at 5:30 p.m. She suggested that more people would be available to attend the meeting at the 5:30 p.m. time. She expressed the opinion that "at least two other" meetings should be scheduled, and reviewed the dates listed in the February 16th memo. Mr. Werner offered to re-review the available dates.

Member Allen expressed a preference to keep the meetings at 3:00 p.m. "because that does give us more time, especially if the agenda turns out to be lengthy ... No one wants to be around here half the night waiting to hear subjects come up ..." Chairperson DePauw expressed understanding for Member Allen's comments, but advised of having received input relative to a preference for 5:30 p.m. meetings. She expressed a preference for shorter meetings, and reiterated the suggestion for scheduling alternate dates. She further suggested "mixing and matching" the meeting start times to accommodate the public's various schedules. Member MacKenzie expressed a preference for scheduling the meetings at 3:00 p.m. Member Fregulia expressed a preference for scheduling the meetings at 3:00 p.m., noting that her ability to participate would be affected if the meetings are scheduled later in the day.

Member Allen suggested taking Mr. Werner's recommendation to conduct the first meeting and "see how those go and then see ... how many more are coming in." He noted that meetings can always be added, as necessary. Chairperson DePauw expressed a concern with regard to agendizing twelve items on the next agenda. "People can't go through that. It's not healthy." Member Lincoln suggested "maybe six of them are the same thing." Chairperson DePauw reiterated the preference to schedule the next meeting for Monday, April 30th. **Member Lincoln moved to table this discussion until the May 22nd meeting. Member Allen seconded the motion.** Chairperson DePauw entertained discussion on the motion. Member Joiner expressed no opposition to holding the next meeting in May "and letting staff get their ducks in a row and coalesce the 12 [items] down to how ever many it might be." He expressed concern

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over limiting the meetings to a certain number. Member Allen reiterated that additional meetings can be scheduled, as necessary. In response to a question, Mr. Werner advised that the committee has historically wrapped up its meeting schedule by the end of June in order to accommodate the State Legislature's bill draft request schedule. Member Joiner pointed out that everyone's schedule will become more impacted as spring turns to summer. He expressed no opposition to meeting in April or earlier in May. He expressed a concern with regard to ensuring the public and the committee are accommodated relative to consideration of items. Member Fregulia expressed support for the April 30th meeting date with the understanding "that was initially just to go through the list of items ... being brought in by the public for us to ... itemize and then prioritize. ... the other meetings ... may be much more efficient and focused once we have that initial meeting."

Chairperson DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, public comment. (4:15:03) Amy Clemens requested the committee to schedule an evening meeting in consideration of work schedules.

(4:15:36) Dennis Johnson requested "at least one evening meeting, the idea with the critical nature of the Charter Review Committee is to decide issues that affect ... the Carson City residents. So it's important that you give them an opportunity to come in and state their case for whatever it might be."

Chairperson DePauw entertained additional public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 7-2.** In response to a question, Member Allen reiterated the motion to table any further discussion until the May 22nd meeting. Chairperson DePauw requested staff to research additional meeting dates and times. In response to a question, Mr. Werner offered to research the meeting room schedule for each of the upcoming meeting dates to ensure no later conflicts.

10. PUBLIC COMMENT (4:18:37) - Chairperson DePauw entertained public comment. (4:18:48) Assemblyman Pete Livermore discussed the importance of public participation, and requested the committee's due consideration of the same. He thanked the committee members for their valuable service, and wished them well. Chairperson DePauw entertained additional public comment; however, none was forthcoming.

11. ACTION TO ADJOURN (4:20:38) - Member MacKenzie moved to adjourn the meeting at 4:20 p.m. Member Allen seconded the motion. Motion carried 9-0.

The Minutes of the April 17, 2012 Carson City Charter Review Committee meeting are so approved this _____ day of May, 2012.

DONNA DePAUW, Chair

4A • THURSDAY, MAY 10, 2012

RENO GAZETTE-JOURNAL/RGJ.CO

RENO CITY COUNCIL DIGEST

Council tackles voting, labor issues, new park

By Brian Duggan
bduggan@rgj.com

The Reno City Council on Wednesday addressed ward-only voting, an updated labor contract with the city's firefighters and the future of the Moana Park.

Ward-only voting ✕

The City Council wants more time to talk about proposed ballot language that would ask voters in November if they want to elect members of the City Council by ward in the general election.

A committee of citizens has been working on the proposed ballot language for weeks as part of an overall review of Reno's charter. They're expected to meet with the City Council in a public meeting later this month to address the ballot language.

Right now, the City Council members who represent the city's five wards are narrowed down in the primary by voters in their wards and elected by all voters in the general election.

Reno City Attorney John Kadlic told the City Council in January the city could attract scrutiny from the U.S. Department of Justice for a potential violation of the Voting Rights Act if the city doesn't move to a ward-only system for both primary and general elections.

If the proposed ballot question is approved by voters this fall, the Nevada Legislature would need to make the changes final. Former state Sen.

Sheila Leslie, D-Reno, has pushed for a ward-only voting system in Reno for the past two legislative sessions.

New fire contract

The Reno City Council approved an additional year to the city's contract with Reno's firefighters union, Local 731.

The \$29 million contract guarantees no pay raises through June 2014 and continues the 7.5 percent wage and benefit cut firefighters agreed to when the City Council approved the contract last summer. Members of the union still need to vote on the extended contract.

Moana Park

A tentative master plan for a demolition of Moana Park that would revamp the property with new soccer fields, baseball fields and an aquatics center got the OK from the City Council Wednesday.

Fundraising will continue to make the project a reality. In the meantime, Reno's proposed budget includes \$400,000 to demolish the current facility, which includes the shuttered Moana Stadium and Moana Pool.

Councilman Dwight Dortch said he would support the plan but opposed the idea of building soccer fields along Moana Lane.

"I don't think soccer fields fronting Moana is the best use of that site," he said, adding the property could be used for development to "maximize" the potential for proposed Little League fields.

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6

NON - PARTISAN

QUESTION NO. 2

**FIRE PROTECTION AND RESCUE EQUIPMENT
BOND QUESTION**

Shall Carson City, Nevada, be authorized to issue not exceeding \$460,000 of general obligation bonds to acquire fire protection and rescue equipment?

YES 102 →

NO 103 →

QUESTION NO. 3

SUPERVISOR WARD CHANGE

Should the Carson City Charter be amended to provide that at the Primary municipal election, candidates for the office of Supervisor shall be voted upon by the registered voters of the Ward to be represented by them; the names of the two Supervisor candidates from each Ward who receive the highest number of votes at the Primary election shall be placed on the ballot for the General election to be voted upon by the registered voters of the city at large?

YES 112 →

NO 113 →

EXPLANATION TO QUESTION NO. 3

A **YES** vote is a vote in favor of requiring candidates for the office of Supervisor to be voted upon in the Primary election solely by the registered voters residing in the Ward the candidate desires to represent. The two candidates in each Ward receiving the most votes in the Primary election would be placed on the ballot for the General election and voted upon by the registered voters of Carson City at large.

A **NO** vote is a vote in favor of retaining the present system whereby candidates for the office of Supervisor are voted upon by the residents of Carson City at large in both the Primary and General elections.

1984
Primary
Election

YES: 4160

NO: 4225

8

QUESTION NO. 8 County Unfunded Mandate

Should the Nevada Legislature be permitted to enact legislation or state agencies be allowed to issue new regulations which mandate counties to provide new services, expanded services, or to conduct activities which would require additional spending by the counties without the Legislature appropriating sufficient state funding for those services, activities, or programs?

YES . . . 138 ➔

NO . . . 139 ➔

GENERAL ELECTION
1992

YES: 8504

NO: 8504

QUESTION NO.9 Amendment to the City Charter

Should the Carson City Charter be amended by the Nevada Legislature to provide that in a primary election the two candidates for supervisor who receive the highest number of votes from the voters in that candidate's ward be placed on the ballot for the general election; and in a general election the candidate for supervisor from each ward receiving the highest number of votes from all the voters at large is elected; and the candidates for mayor are voted upon by the voters at large in any election?

YES . . . 149 ➔

NO . . . 150 ➔

QUESTION NO. 9

Amendment to the City Charter

EXPLANATION TO QUESTION NO. 9

A **YES** vote is a vote in favor of requiring candidates for the office of Supervisor to be voted upon in the Primary election solely by the registered voters residing in the Ward the candidate desires to represent. The two candidates in each Ward receiving the most votes in the Primary election would be placed on the ballot for the General election and voted upon by the registered voters of Carson City at large.

A **NO** vote is a vote in favor of retaining the present system whereby candidates for the office of Supervisor are voted upon by the residents of Carson City at large in both the Primary and General elections.

S.B. 304

SENATE BILL NO. 304—SENATOR LESLIE

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. (BDR S-731)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to redistricting; creating, contingent upon voter approval, a sixth ward for the City of Reno; requiring, contingent upon voter approval, that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The existing Charter of the City of Reno divides the City into five wards, each
2 of which is represented on the City Council by a Council Member. A sixth Council
3 Member represents the City at large. (Reno City Charter §§ 1.050, 2.010) **Section 7**
4 of this bill increases the number of wards in Reno to six, and **sections 8-10** of this
5 bill replace the office of Council Member at large with the office of Council
6 Member to represent the newly created sixth ward.
7 The existing Charters of the Cities of Reno and Sparks provide that the
8 candidates for Council Member to represent a particular ward must be voted on in a
9 primary election only by the registered voters of that ward but in a general election,
10 must be elected by the registered voters of the City at large. (Reno City Charter §§
11 5.010, 5.020; Sparks City Charter §§ 5.010, 5.020) **Sections 9 and 10** of this bill
12 amend the Charter of the City of Reno, and **sections 11 and 12** of this bill amend
13 the Charter of the City of Sparks, to provide that all candidates for Council Member
14 must be elected in a general election by only the registered voters of the ward that a
15 candidate seeks to represent. The existing Charters of Carson City and the City of
16 Henderson provide that the candidates for Supervisor and Council Member,
17 respectively, must be elected by the registered voters of the City at large in both a



* S B 3 0 4 *

18 primary and a general election. (Carson City Charter §§ 2.010, 5.010, 5.020;
 19 Henderson City Charter §§ 2.010, 5.010, 5.020) **Sections 1-3** of this bill amend the
 20 Charter of Carson City, and **sections 4-6** of this bill amend the Charter of the City
 21 of Henderson, to provide that all candidates for Supervisor and Council Member,
 22 respectively, must be elected in a primary or general election only by the registered
 23 voters of the ward that a candidate seeks to represent.

24 **Sections 15-18** of this bill require Carson City and the Cities of Henderson,
 25 Reno and Sparks to place on the ballot for the 2012 general election the question of
 26 whether to amend their respective charters to provide that all candidates for
 27 Supervisor or Council Member, as appropriate, must be elected in a primary or
 28 general election by only the registered voters of the ward that a candidate seeks to
 29 represent.

30 **Section 19** of this bill provides that the sections of this bill relating to each City
 31 become effective only if the voters of that City approve the ballot question required
 32 by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 2.010 of the Charter of Carson City, being
 2 chapter 213, Statutes of Nevada 1969, as last amended by chapter
 3 118, Statutes of Nevada 1985, at page 474, is hereby amended to
 4 read as follows:

5 Sec. 2.010 Board of Supervisors: Qualifications;
 6 election; term of office.

7 1. The legislative power of Carson City is vested in a
 8 Board of Supervisors consisting of five Supervisors,
 9 including the Mayor.

10 2. The Mayor must be:

11 (a) An actual and bona fide resident of Carson City for at
 12 least 6 months immediately preceding his election.

13 (b) A qualified elector within Carson City.

14 3. Each Supervisor must be:

15 (a) An actual and bona fide resident of Carson City for at
 16 least 6 months immediately preceding his election.

17 (b) A qualified elector within the ward which he
 18 represents.

19 (c) A resident of the ward which he represents, except
 20 that changes effected in the boundaries of a ward pursuant to
 21 the provisions of section 1.060 do not affect the right of any
 22 elected Supervisor to continue in office for the term for which
 23 he was elected.

24 4. All Supervisors, including the Mayor, ~~must be voted~~
 25 ~~upon by the registered voters of Carson City at large and~~
 26 shall serve for terms of 4 years.



1 **Sec. 2.** Section 5.010 of the Charter of Carson City, being
 2 chapter 213, Statutes of Nevada 1969, as last amended by chapter
 3 100, Statutes of Nevada 1999, at page 271, is hereby amended to
 4 read as follows:

5 Sec. 5.010 Primary election.

6 1. A primary election must be held on the date fixed by
 7 the election laws of this state for statewide elections, at which
 8 time there must be nominated candidates for offices to be
 9 voted for at the next general election.

10 2. A candidate for any office to be voted for at any
 11 primary election must file a declaration of candidacy as
 12 provided by the election laws of this state.

13 3. *In an election that is held pursuant to this section:*

14 (a) All candidates for the office of Mayor , ~~and~~
 15 ~~Supervisor,~~ and candidates for the office of Municipal Judge
 16 if a third department of the Municipal Court has been
 17 established, must be voted upon by the registered voters of
 18 Carson City at large.

19 (b) *A candidate for the office of Supervisor must be*
 20 *elected only by the registered voters of the ward that the*
 21 *candidate seeks to represent.*

22 4. If only two persons file for a particular office, their
 23 names must not appear on the primary ballot but their names
 24 must be placed on the ballot for the general election.

25 5. If in the primary election one candidate receives more
 26 than a majority of votes cast in that election for the office for
 27 which he is a candidate, his name alone must be placed on the
 28 ballot for the general election. If in the primary election no
 29 candidate receives a majority of votes cast in that election for
 30 the office for which he is a candidate, the names of the two
 31 candidates receiving the highest numbers of votes must be
 32 placed on the ballot for the general election.

33 **Sec. 3.** Section 5.020 of the Charter of Carson City, being
 34 chapter 213, Statutes of Nevada 1969, as last amended by chapter
 35 96, Statutes of Nevada 1997, at page 183, is hereby amended to read
 36 as follows:

37 Sec. 5.020 General election.

38 1. A general election must be held in Carson City on the
 39 first Tuesday after the first Monday in November 1970, and
 40 on the same day every 2 years thereafter, at which time there
 41 must be elected such officers, the offices of which are
 42 required next to be filled by election.

43 2. *In an election that is held pursuant to this section:*

44 (a) All candidates for the office of Mayor , ~~and~~
 45 ~~Supervisor,~~ and all candidates for the office of Municipal



1 Judge if a third department of the Municipal Court has been
2 established, must be voted upon by the registered voters of
3 Carson City at large.

4 *(b) A candidate for the office of Supervisor must be*
5 *voted upon only by the registered voters of the ward that the*
6 *candidate seeks to represent.*

7 **Sec. 4.** Section 2.010 of the Charter of the City of Henderson,
8 being chapter 266, Statutes of Nevada 1971, as last amended by
9 chapter 596, Statutes of Nevada 1995, at page 2206, is hereby
10 amended to read as follows:

11 Sec. 2.010 City Council: Qualifications; election; term
12 of office; salary.

13 1. The legislative power of the City is vested in a City
14 Council consisting of four Councilmen and the Mayor.

15 2. The Mayor must be:

16 (a) A bona fide resident of the territory which is
17 established by the boundaries of the City for the 12 months
18 immediately preceding the last day for filing a declaration of
19 candidacy for the office.

20 (b) A qualified elector within the City.

21 3. Each Councilman must be:

22 (a) A bona fide resident of the territory which is
23 established by the boundaries of the City for the 12 months
24 immediately preceding the last day for filing a declaration of
25 candidacy for the office.

26 (b) A qualified elector within the ward which he
27 represents.

28 (c) A resident of the ward which he represents for at least
29 30 days immediately preceding the last day for filing a
30 declaration of candidacy for the office, except that changes in
31 ward boundaries pursuant to the provisions of section 1.040
32 do not affect the right of any elected Councilman to continue
33 in office for the term for which he was elected.

34 4. All Councilmen, including the Mayor, ~~must be voted~~
35 ~~upon by the registered voters of the City at large and~~ shall
36 serve for terms of 4 years.

37 5. The Mayor and Councilmen are entitled to receive a
38 salary in an amount fixed by the City Council. The City
39 Council shall not adopt an ordinance which increases or
40 decreases the salary of the Mayor or the Councilmen during
41 the term for which they have been elected or appointed.



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SENATE BILL 304: Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. (BDR S-731)

SENATOR SHEILA LESLIE (Washoe County Senatorial District No. 1):

I had a very similar bill last Session which made it through the Assembly but not the Senate. A bill about good democratic principles is especially appropriate to take up in this Committee, this Session, in terms of redistricting. This is when people are most interested about how wards or districts are drawn and how people are elected. This bill does away with ward voting in local government elections. Ward voting is when candidates run in the primary based on where they live and in the general election, they run citywide or countywide. I do not think that is fair. It prevents people from electing their own representative.

For example, each of us ran in a defined, geographical district. We all know exactly where our district lines are and who lives in the district. When you get an e-mail and scroll down to see where the address is, you know if that person is your constituent or not—it is a good thing. You are more responsive to the people in your district; they are your constituents. It does not mean you ignore the rest of the State or the needs of other people outside of your district, but it does mean you have a more personal relationship with your constituents.

Imagine in your own case if in a primary election you run in your district and you are one of two candidates to come out. Then in the general election, people in the Reno area are the deciding factor on your Las Vegas representative. It does not make sense on a State, county or certainly not on a city council level, where issues are even more defined.

When considering this bill, I asked the Legislative Counsel Bureau to research where there was still ward voting in Nevada. That is why these particular cities are in this bill before you. These are the last four entities in our State that do not elect their representatives by ward or district. You might recall when we changed the situation in North Las Vegas. In that bill, the Legislature changed it and the voters ratified it. The voters overwhelmingly agreed with it, close to 80 percent of the vote.

I have put a provision in this bill to require voter approval. I personally do not think it is needed, but it seems to alleviate opposition. The people opposed to this bill are in local elected offices now. You will hear today from people who

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SENATOR LESLIE:

I agree with you. It confuses people. People do not understand why they are not voting for the person in their neighborhood. It is difficult to engage people in local races. Neighborhood folks feel their vote does not count because of the rest of the city. We have had this situation in Reno many times where the rest of the city ends up deciding the representative. I do not like that, and a lot of people do not like it either.

ASSEMBLYMAN PETER LIVERMORE (Assembly District No. 40):

I represent two-thirds of Carson City and a little part of Washoe Valley. I am in support of S.B. 304. In particular, section 15, which is an opportunity to have the citizens of Carson City decide if this is how they want their charter amended in the process of electing members of the Board of Supervisors.

I am a former member of the Board of Supervisors, elected three times to the Ward 3 position. I am not looking to go back and be reelected as a Supervisor to a ward again. In my term on the Board of Supervisors, the Carson City Charter Committee and the Board of Supervisors had debated this issue and a couple of other issues where no bills were brought forth. I believe the Charter Committee heard this issue four times in the biannual meetings. Two times it made recommendations to the Board and twice it did not; neither time did the measure reach the Legislature.

I am an individual who believes in the public's participation in its right of government. In this case, this is the right of government, how to elect and select your representative. I have served in the south end of Carson City. Because of where I lived, people thought I represented all of the south end of Carson City. I represented Ward 3, which is for the benefit of all the people in Carson City. This bill would clearly identify the representative, if it is the only name on the ballot upon which to vote in the general election.

SENATOR HORSFORD:

Assemblyman Livermore, thank you for joining Senator Leslie. It is good to see combinations of interests joining hands. I support this bill wholeheartedly. We had this legislation last time. Since we are in the redistricting process, does the timing help with the process of determining ward boundaries now rather than at another time because we are all redistricting our boundaries?

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SENATOR LESLIE:

I am not sure. When the cities actually draw their lines, it would go on the next general election ballot and be after the redistricting process. Maybe someone from the cities can answer this question. I could be completely wrong. That is an excellent question that may need clarification.

MR. WAGNER:

You can add a third party in favor of this bill. I live in Ward 1 in Carson City. I did have the pleasure of voting for Pete Livermore for his ward. It would have been better if I had taken care of my own ward. The wards in Carson City are fairly even. If this bill passes, you would only have to concentrate on one quadrant of the City instead of all the quadrants, spending less money to run for office. When I first came to Carson City, I asked elected officials about this issue, and they were not in favor. I am happy to see this bill, and I support it. I hope everyone on the Committee votes for this bill.

ANDREA "ANDE" ENGLEMAN:

I am a 33-year resident of Carson City. In 1992, I was running the Nevada Press Association and, therefore, could not be visible in anything other than issues that affected the press. As a Carson City resident, I was concerned about the fact that we were not voting by ward and that people did not even know their representative because "the boys downtown," as they say in Carson City, were running the elections. We managed to get an advisory ballot question on the ballot in 1992 that literally tied, 8,504 to 8,504. At that time, I could not come out and say anything or pay for a recount, so it just died.

Since that time, the Carson City Charter Review Committee has not been able to get the Board to put it back on the ballot for a vote by the people. I fully support this bill. It is desperately needed. It will give the public a choice they need. In Carson City, the Charter Review Committee is to take suggestions from the public and bring them to the attention of the Board of Supervisors. It is up to the Board to determine what to bring before the Legislature. If the Board says no, then the Legislature does not get it—people have no access.

Recently, people have given up going to the Charter Review Committee; instead, they go directly to Legislators to try and get things done. Senator Leslie pointed out the argument that if they are elected in their wards, they will not see the City as a whole. You are elected from all over the State to come together and see the State as a whole.

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MARIO DELA ROSA (Community Organizer, Progressive Leadership Alliance of Nevada):

I represent the Progressive Leadership Alliance of Nevada. We support this bill. This bill brings to light another problem. As you can see on the chart (Exhibit J), there is a significant percentage of color living in three of the four cities. In three of the cities, not one person of color is on the city council. That is a problem because we do not have representation. The population of color in the Reno is 23 percent, Sparks is 21 percent, Carson City is 16 percent and Henderson is 20 percent.

RON DREHER (Peace Officers Research Association):

I am representing the Peace Officers Research Association and myself today. We are in support of S.B. 304. We thank Senator Leslie for again bringing this bill forward. In 2004 and again in 2008, I ran for the Reno City Council. The issues come down to what you have already heard. Everybody in this State gets districts they run in. You are responsible to the constituents in those districts. There is no problem in doing the same thing for the wards listed in this bill. I am concerned with section 7 of the bill where the City of Reno would allow the vote of the people to determine whether or not we have the same rights as all of you have. Last Session, ex-Senator William Raggio stated he thought it was okay that you all ran in your districts the way you run in the Senate and Assembly, but he saw it differently in the City of Reno. Why would the ward be different? In the primary, it is easy to reach our wards; however, in the general election, it comes down to being wealthy. You cannot reach out to voters and do all the things you have to do to run a successful campaign. I urge this Committee to pass S.B. 304, which will provide some equality and give the voters the opportunity to share their opinions. They will do the same thing that you all have with districts. Having this legislation would work well for us.

BRANDI ANDERSON:

I am a resident in Reno, and I ran for City Council in 2010. I am a lifelong Nevadan with deep roots in our community. I wanted to get involved, make a difference and get some new voices heard in our community. It was a difficult decision. As soon as I decided to run, I had many accolades from people in the know extending congratulations on running, but this is why you cannot win: you are not elected, you are not an incumbent, you do not have a lot of money. It will be difficult to raise money and get endorsements when you are not the incumbent because it is politically risky. They were right. I was successful in the primary but did not win; I got 43 percent of the votes. When I was in the

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four different communities like it is statewide, it would make it easier to energize and educate those voters on the different local issues.

Theresa Navarro (Chair, Progressive Leadership Alliance for Nevada):

I am the Chair of Progressive Leadership Alliance and a 38-year activist in Reno. My activism has involved communities of color and diversity. When I say communities of color, I am including brown, black, red, yellow and white communities of less fortune where people really do not get out and vote. In 2000, 2 other people and I registered 400 people in diverse communities in an attempt to get people voting. It was a success.

Once I explain about the ward and the citywide elections to people in diverse communities, they do not want to bother to run in their districts. When people in these communities hear they first have to do the walking and raise money in their ward to get past the primary and then raise additional money to get to the next level of running citywide, it is frustrating and stressful for them.

I am strongly in support of this important bill.

Last year, we did a racial justice report. We are working on it again regarding our legislative system with State Legislators and the Governor. Bringing these issues to the table and educating people in our communities is important. People need to get out and vote. It is important for them to show they can run for office. We can have a diverse community.

Robert Joiner:

I am here representing myself. I am a native Nevadan and a resident of Carson City. I did a citywide run in the last campaign. I come before you with that experience. It can be cost-prohibitive for someone to run a citywide campaign. In many cases, it precludes a grassroots effort. Unlike Reno, the primary being by ward and the general citywide, Carson City is citywide primary and general. When you knock on a door, the perception from people who have lived in Nevada their entire life is, "I cannot vote for you because you are running in Ward 1; I am in Ward 3." You have to remind them over and over the election is citywide, and I will represent you. The perception is you run by ward.

Many of us in support of this bill ask to make perception a reality. You represent everybody when you get elected, but you should and can run by ward.

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I represented prior clients who were opposed to the bill last Session because of the nature of the bill—it was just going to be enacted. Those with charters wanted to go back through their charter or to a vote of the people. This bill today takes it back for a vote, let your city decide. Carson City did that in 1992 and it tied. We are just asking to do it again. Since 1992, the population has grown in Carson City; the time has come for a change.

I do support this bill. I support the testifiers before me who stated this is the best thing that could happen for those trying to run a citywide campaign. We would prefer to do it by ward.

LAWRENCE A. WERNER (City Manager, Carson City):

I am here to ask the Committee to consider an amendment to S.B. 304 that would not change the election method for the Carson City Mayor and the Board of Supervisors.

Carson City has considered changes to the election process several times over the past 19-plus years. The actual election occurred about 19 years ago. There have been multiple meetings of the Carson City Charter Review Committee and the Board of Supervisors on this matter. The clerk/recorder has provided some information to Senator Leslie about the election in 1992.

Since that election, the following public meetings were held on this issue: on July 18, 1996, the matters discussed by the Board of Supervisors resulted in no change to the election process; between May 26 and July 15, 1998, the Charter Review Committee held three meetings to discuss and recommend to the Board of Supervisors a change to nominate supervisors by ward in the primary election and then elect them at large. On August 20, 1998, the Board of Supervisors considered the recommendation and decided not to consider any changes until after the 2000 United States Census.

Between March 28 and June 27, 2000, the Charter Review Committee discussed a change in the Charter to allow the Board of Supervisors to set the method of electing the Mayor and the Board of Supervisors by city ordinance.

On June 15, 2000, the Board of Supervisors discussed the recommendation but rejected it because of concerns. One concern was the ease in which the method could be modified, resulting in confusion. Other issues the Board discussed were the geographic containment of Carson City, the small size of the City itself, and

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the ability to not grow larger than the size today. Based on those issues plus the ease of campaigning at large in Carson City and wards similar in population and demographics, the Board elected not to change the election process.

From March 26 to June 25, 2002, the Charter Review Committee held three meetings to discuss recommending to the Board of Supervisors the concept of nomination by ward but election at large as discussed in 1998. On August 1, 2002, the Board debated the Charter Review Committee's recommendation but took no action.

On May 20, 2008, the issue was again brought before the members of the Charter Review Committee who debated the issue and voted not to send any recommendation on the matter to the Board of Supervisors.

The last action on this issue by the Board of Supervisors in 2000 was not to recommend any election process changes to the Mayor and Supervisors.

We would like to be left out of the bill. I would be happy to answer any questions.

SENATOR HORSFORD:
Who appoints your Charter members?

MR. WERNER:
The Charter members are nominated by the Board of Supervisors and legislative members representing Carson City; for example, Assemblyman Livermore and Senator Settlemeyer would have the opportunity to appoint members to the Charter Review Committee. Once nominations are provided to the Board of Supervisors, the Board selects the number of people they want. The Charter Review Committee is large enough to appoint everyone nominated.

SENATOR HORSFORD:
The Charter Review Committee is appointed by the Board of Supervisors.

ROBERT CROWELL (Mayor, Carson City):
I want to make the Committee aware we take these things seriously. We do enjoy local control. We do have vigorous disputes and debates at the Charter level. I am sensitive to the fact we have Pete Livermore from Assembly District 40, who spoke in favor of this bill. I think the record would reflect when the

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Board of Supervisors took its vote to neither bring this before the Legislature nor have a public vote in 2000, the motion was made by then-Supervisor Livermore. I do not know why that opinion has changed now.

I would like to say I run citywide. I am in a different position than the Supervisors. On the other hand, I am sensitive to what happens in other larger jurisdictions. Senator Leslie and Senator Horsford make some good points. On the other side of that, Carson City is geographically compact. There is a history in this community; if you want to represent our community, you walk and represent all of us.

I am not here on behalf of the Board of Supervisors. My own personal view of the nature of Carson City is such that if you run and elect by ward, you detract from the ability and feeling we are a one-community group. I am also sensitive that under S.B. 304 as drafted, you could essentially get over 50 percent of the vote and win in the primary, ending up with your name as the only one on the general election ballot. This means you could get elected by your ward to represent the entire Carson City with a minimal vote count. This does not do anybody any good. From a community standpoint, it is better for us to act as a community; you nominate candidates who live in a ward but they run citywide. It gives the community more of a solidarity.

MS. GASCA:
We are in support of this bill.

CADENCE MATIJEVICH (Legislative Relations Program Manager, Office of the City Manager, City of Reno):

I am here to advise the Committee that the Reno City Council did take a majority position to oppose this bill. In addition to the question of election by ward in the general election in section 9 and eliminating one of our Council positions as an at-large position in section 8, I want to point out that section 7 of the bill would require us to create a sixth ward on our Council. The Council's feeling is the makeup of our Charter is a local issue. If they wish to put it on the ballot, as Senator Settlemeyer said earlier, they do have the ability. At this time, the Council is not hearing from constituents who wish to have the at-large position eliminated.

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Chair Segerblom's amendment (Exhibit G) is conceptual only. It has not been drafted by the Legal Division but it lays out the idea and the structure. The language would be handled by the Legal Division, so it may not appear exactly this way, but this is the intent. The Legal Division has reviewed the intent and is okay with it.

[Mr. Guinan read an explanation of the amendment from the work session document (Exhibit G).]

Chair Segerblom:

Are there any questions or comments?

Assemblyman Hickey:

Mr. Chair, what would your amendment accomplish?

Chair Segerblom:

Because we just got the new census data and the districts will all be redrawn next year, it seemed to me it would be simpler to have all six districts drawn based on the new census and see what people think about them.

In reality, people initially vote by wards in Reno anyway, so this will not be a change for five of the city council members. The current practice would require redistricting in 2012 for five people and then a redistricting in 2014 for six people, which would create a lot of confusion. It would be easier to do it this way and make it public. If the voters do not like it, they can revert to the old system. This is similar to what North Las Vegas did. Is that correct, Mrs. Kirkpatrick?

Assemblywoman Kirkpatrick:

Yes. We had the same controversies and complaints that the voters were going to be disengaged, but our advisory question passed overwhelmingly. Seventy-five percent of the voters wanted to change the way they had voted for their city representatives in the past. This does not affect Reno, but we heard that incumbents would be in jeopardy because of map changes. That is not what happened. What we did see was more people engaged in the process and running for office because they could walk their districts. It is very hard and expensive to run citywide. It has been very successful in North Las Vegas. We also do not have to produce additional ballots for the entire city to choose the at-large seats. It has also worked out better because our legislators are now able to have better relationships with our council members.

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I also support Mr. Daly's amendment. We had the same issue concerning judges in our district—people thought there would not be any qualified attorneys. It actually brought attorneys to North Las Vegas who are invested in the city, and we now have three very good ones. From my perspective sitting on this Committee in 2007, the Sparks City Attorney at that time came before us to oppose such an amendment. The only thing he truly cared about was his pocket. It never came down to representing the constituents and being part of that discussion, so I support both Mr. Daly's and Mr. Segerblom's amendments.

Assemblyman Hickey:

Since your amendment differs somewhat from the Reno plan, would it be appropriate to ask their response? I know this is a work session, but if it is not appropriate . . .

Assemblywoman Kirkpatrick:

Mr. Chairman, I can tell you that when we asked North Las Vegas for their response, they did not like it, but the constituents loved it.

Chair Segerblom:

I think I can tell you that Reno does not like it. The way it currently works, in 2012 the at-large member is going to get elected for a four-year term, so the six-ward plan would not be implemented until 2016. In my opinion, that really delays this process.

Assemblyman Grady:

Mr. Daly, Sparks has always had a very strong group of people on its charter review committee. Has this proposed amendment gone through the charter review committee?

Assemblyman Daly:

No, it has not.

Chair Segerblom:

Mr. Daly, do you want to explain your amendment?

Assemblyman Daly:

Right now it says the city attorney must be a bona fide resident of the City of Sparks. Because that individual must be an attorney, we wanted the people of Sparks to have more choices. To be on the city council, for instance, an individual must only be an elector in the city to run.

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Chair Segerblom:

Is there any further discussion? [There was no response.] Does anyone want to make a motion?

ASSEMBLYWOMAN KIRKPATRICK MOVED TO AMEND AND DO PASS SENATE BILL 304 WITH ASSEMBLYMEN SEGERBLOM'S AND DALY'S AMENDMENTS.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Grady:

If a city goes to the trouble of setting up a charter review committee, I feel very strongly that before we change its charter, its charter review committee should review it, so I cannot accept Mr. Daly's amendment.

Chair Segerblom:

Are there any further comments? [There was no response.] Seeing none, I will call for the question.

THE MOTION PASSED. (ASSEMBLYMEN GRADY, HARDY, HICKEY, AND MCARTHUR VOTED NO. ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Because tomorrow is the deadline for Committee passage of all but exempt bills, instead of adjourning, we are going to recess to the call of the Chair in case something untoward happens. The Committee is in recess [at 3:16 p.m.].

Assembly Joint Resolution 2: Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-683)

[This bill was not heard.]

Senate Bill 170 (1st Reprint): Revises provisions governing petitions for initiative or referendum. (BDR 24-537)

[This bill was not heard.]

SB304



Introduced in the Senate on Mar 21, 2011.

By: (**Bolded** name indicates primary sponsorship)

Leslie

Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. (BDR S-731)

Fiscal Notes View Fiscal Notes

Effect on Local Government: May have Fiscal Impact.

Effect on State: No.

Most Recent History Vetoed by the Governor.

Action:

(See full list below)

Upcoming Hearings

Past Hearings

		Agenda	Minutes	Mentioned Not Agendized
Senate Legislative Operations and Elections	Mar 31, 2011 05:30 PM			
Senate Legislative Operations and Elections	Apr 07, 2011 03:30 PM			No Action
Senate Legislative Operations and Elections	Apr 14, 2011 03:30 PM			Do pass
Assembly Legislative Operations and Elections	May 12, 2011 01:30 PM			No action
Assembly Legislative Operations and Elections	May 19, 2011 01:30 PM			Amend, and do pass as amended

Final Passage Votes

	(As Introduced)	Apr 22, 2011	Yea 21,	Nay 0,	Excused 0,	Not Voting 0,	Absent 0
Senate Final Passage							
	(1st Reprint)	May 30, 2011	Yea 29,	Nay 12,	Excused 1,	Not Voting 0,	Absent 0
Assembly Final Passage							

Bill Text As Introduced 1st Reprint 2nd Reprint As Enrolled

Other Amendments Amend. No. 804

(see bill history below)

Bill History

Mar 21, 2011

- Read first time. Referred to Committee on Legislative Operations and Elections. To printer.

Mar 23, 2011

- From printer. To committee.

Apr 15, 2011

- From committee: Do pass.

Apr 18, 2011

- Read second time.

Apr 19, 2011

- Taken from General File. Placed on General File for next legislative day.

Apr 20, 2011

- Taken from General File. Placed on General File for next legislative day.

Apr 22, 2011

- Read third time. Passed. Title approved. (**Yeas: 21, Nays: None.**) To Assembly.

Apr 25, 2011

- In Assembly.
- Read first time. Referred to Committee on Legislative Operations and Elections. To committee.

May 29, 2011

- From committee: Amend, and do pass as amended.
- Placed on Second Reading File.
- Read second time. Amended. (Amend. No. **804.**) To printer.

May 30, 2011

- From printer. To engrossment. Engrossed. **First reprint** .
- Read third time. Passed, as amended. Title approved, as amended. (**Yeas: 29, Nays: 12, Excused: 1.**) To Senate.

Jun 02, 2011

- In Senate.

Jun 03, 2011

- Assembly Amendment No. **804** not concurred in. To Assembly.

Jun 04, 2011

- In Assembly.
- Assembly Amendment No. **804** receded from. To Senate.

Jun 05, 2011

- In Senate.
- To printer.

Jun 06, 2011

- From printer. To reengrossment. Reengrossed. **Second reprint** .
- To enrollment.

Jun 13, 2011

- Enrolled and delivered to Governor.

Jun 17, 2011

- Vetoed by the Governor.



Office of the Governor

June 17, 2011

The Honorable Ross Miller
Secretary of State
Capitol Building
101 South Carson Street
Carson City, NV 89701

RE: Senate Bill 304 of the 76th Legislative Session

Dear Secretary Miller:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 304, which is entitled:

AN ACT relating to redistricting; creating, contingent upon voter approval, a sixth ward for the City of Reno; requiring, contingent upon voter approval, that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; and providing other matters properly relating thereto.

This bill revises the Charter of the City of Reno by replacing the office of Councilman at large with a sixth Council Member elected from a designated ward. The bill also requires Carson City and the Cities of Henderson, Reno and Sparks to place on the ballot for the 2012 general election the question of whether to amend their respective charters to provide for a ward system for the election of Supervisors or Council Members (as appropriate), such that they must be elected by only the registered voters of the ward they seek to represent.


I do not veto this bill on the merits of ward elections. Rather, the bill contains what appears to be a technical error with regard to the change from electing a Reno Councilman at large to electing a Council Member solely from a ward. Specifically, the person elected in 2012 will serve for a term of four years, yet – if the proposed ward election changes are approved by the voters at that same election – another person

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Page Two

must be elected to the same seat in 2014. Under Section 14 of the bill, the incumbent Council Member at large who holds office on July 1, 2013 will be deemed to represent only the new ward for the remainder of his or her term of office, which could result in double representation in that ward when a new person is elected in 2014. The bill drafters made attempts to reconcile these conflicts, as well as unclear language concerning residency, but I find that the provisions of Sections 8, 9 and 14 of the bill remain too much in conflict. On these grounds, the bill appears to be confusing and inoperable.

Because Senate Bill 304 poses too many challenges for election officials, candidates, and the voters themselves, I exercise my constitutional grant of authority to veto the bill and return it to you without my signature and without my approval.

Sincere regards,



BRIAN SANDOVAL
Governor

Enclosure

cc: *The Honorable Brian Krolicki, President of the Senate (without enclosure)*
David A. Byerman, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)



Fact Sheet

REDISTRICTING AND REAPPORTIONMENT

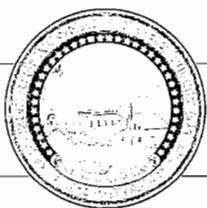
REDISTRICTING FACT SHEET NO. 1

COMPILED BY:
RESEARCH AND ADMINISTRATIVE DIVISIONS
LEGISLATIVE COUNSEL BUREAU

MARCH 2011
1 PAGE

POPULATION OF COUNTIES IN NEVADA 1990, 2000, AND 2010								
County	2010 Census Population	Percent of State Total	2000 Census Population	Percent of State Total	1990 Census Population	Percent of State Total	Percent Change 1990 to 2000	Percent Change 2000 to 2010
Carson City	55,274	2.05%	52,457	2.63%	40,443	3.37%	29.71%	5.37%
Churchill County	24,877	0.92%	23,982	1.20%	17,938	1.49%	33.69%	3.73%
Clark County	1,951,269	72.25%	1,375,765	68.85%	741,459	61.69%	85.55%	41.83%
Douglas County	46,997	1.74%	41,259	2.06%	27,637	2.30%	49.29%	13.91%
Elko County	48,818	1.81%	45,291	2.27%	33,530	2.79%	35.08%	7.79%
Esmeralda County	783	0.03%	971	0.05%	1,344	0.11%	(-27.75%)	(-19.36%)
Eureka County	1,987	0.07%	1,651	0.08%	1,547	0.13%	6.72%	20.35%
Humboldt County	16,528	0.61%	16,106	0.81%	12,844	1.07%	25.40%	2.62%
Lander County	5,775	0.21%	5,794	0.29%	6,266	0.52%	(-7.53%)	(-0.33%)
Lincoln County	5,345	0.20%	4,165	0.21%	3,775	0.31%	10.33%	28.33%
Lyon County	51,980	1.92%	34,501	1.73%	20,001	1.66%	72.50%	50.66%
Mineral County	4,772	0.18%	5,071	0.25%	6,475	0.54%	(-21.68%)	(-5.90%)
Nye County	43,946	1.63%	32,485	1.63%	17,781	1.48%	82.70%	35.28%
Pershing County	6,753	0.25%	6,693	0.33%	4,336	0.36%	54.36%	0.90%
Storey County	4,010	0.15%	3,399	0.17%	2,526	0.21%	34.56%	17.98%
Washoe County	421,407	15.60%	339,486	16.99%	254,667	21.19%	33.31%	24.13%
White Pine County	10,030	0.37%	9,181	0.46%	9,264	0.77%	(-0.90%)	9.25%
State Total	2,700,551	100.00%	1,998,257	100.00%	1,201,833	100.00%	66.27%	35.15%

Source: U.S. Census Bureau, 1990 Census, 2000 Census, and 2010 Census.



Fact Sheet

REDISTRICTING AND REAPPORTIONMENT

REDISTRICTING FACT SHEET NO. 2

COMPILED BY:
RESEARCH AND ADMINISTRATIVE DIVISIONS
LEGISLATIVE COUNSEL BUREAU

MARCH 2011
2 PAGES

NEVADA POPULATION 2010—RACIAL AND HISPANIC ORIGIN DATA BY COUNTY									
COUNTY	2010 POPULATION	WHITE		BLACK OR AFRICAN AMERICAN		ASIAN		AMERICAN INDIAN AND ALASKA NATIVE	
		2010 Population	Percent of County	2010 Population	Percent of County	2010 Population	Percent of County	2010 Population	Percent of County
Carson City	55,274	44,807	81.1%	1,054	1.9%	1,181	2.1%	1,306	2.4%
Churchill County	24,877	20,407	82.0%	395	1.6%	665	2.7%	1,129	4.5%
Clark County	1,951,269	1,188,112	60.9%	204,379	10.5%	168,831	8.7%	14,422	0.7%
Douglas County	46,997	42,130	89.6%	201	0.4%	725	1.5%	896	1.9%
Elko County	48,818	38,772	79.4%	378	0.8%	442	0.9%	2,594	5.3%
Esmeralda County	783	661	84.4%	0	0.0%	3	0.4%	33	4.2%
Eureka County	1,987	1,775	89.3%	2	0.1%	18	0.9%	47	2.4%
Humboldt County	16,528	13,053	79.0%	87	0.5%	120	0.7%	692	4.2%
Lander County	5,775	4,853	84.0%	20	0.3%	21	0.4%	242	4.2%
Lincoln County	5,345	4,871	91.1%	121	2.3%	40	0.7%	61	1.1%
Lyon County	51,980	44,164	85.0%	417	0.8%	725	1.4%	1,286	2.5%
Mineral County	4,772	3,462	72.5%	196	4.1%	53	1.1%	742	15.5%
Nye County	43,946	37,755	85.9%	874	2.0%	572	1.3%	703	1.6%
Pershing County	6,753	5,528	81.9%	253	3.7%	87	1.3%	217	3.2%
Storey County	4,010	3,693	92.1%	40	1.0%	66	1.6%	64	1.6%
Washoe County	421,407	324,070	76.9%	9,814	2.3%	21,790	5.2%	7,209	1.7%
White Pine County	10,030	8,575	85.5%	395	3.9%	97	1.0%	419	4.2%
State Total	2,700,551	1,786,688	66.2%	218,626	8.1%	195,436	7.2%	32,062	1.2%

Source: U.S. Census Bureau, 2010 Census.

NEVADA POPULATION 2010—RACIAL AND HISPANIC ORIGIN DATA BY COUNTY									
COUNTY	2010 POPULATION	NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER		SOME OTHER RACE		TWO OR MORE RACES		HISPANIC OR LATINO ORIGIN* (OF ANY RACE)	
		2010 Population	Percent of County	2010 Population	Percent of County	2010 Population	Percent of County	2010 Population	Percent of County
Carson City	55,274	101	0.2%	5,205	9.4%	1,620	2.9%	11,777	21.3%
Churchill County	24,877	51	0.2%	1,183	4.8%	1,047	4.2%	3,009	12.1%
Clark County	1,951,269	13,628	0.7%	262,506	13.5%	99,391	5.1%	568,644	29.1%
Douglas County	46,997	66	0.1%	1,506	3.2%	1,473	3.1%	5,103	10.9%
Elko County	48,818	69	0.1%	5,022	10.3%	1,541	3.2%	11,158	22.9%
Esmeralda County	783	0	0.0%	52	6.6%	34	4.3%	120	15.3%
Eureka County	1,987	0	0.0%	101	5.1%	44	2.2%	238	12.0%
Humboldt County	16,528	19	0.1%	2,095	12.7%	462	2.8%	4,038	24.4%
Lander County	5,775	1	0.0%	496	8.6%	142	2.5%	1,219	21.1%
Lincoln County	5,345	15	0.3%	116	2.2%	121	2.3%	332	6.2%
Lyon County	51,980	130	0.3%	3,320	6.4%	1,938	3.7%	7,674	14.8%
Mineral County	4,772	6	0.1%	101	2.1%	212	4.4%	436	9.1%
Nye County	43,946	211	0.5%	2,273	5.2%	1,558	3.5%	5,967	13.6%
Pershing County	6,753	7	0.1%	455	6.7%	206	3.1%	1,508	22.3%
Storey County	4,010	15	0.4%	45	1.1%	87	2.2%	228	5.7%
Washoe County	421,407	2,542	0.6%	40,038	9.5%	15,944	3.8%	93,724	22.2%
White Pine County	10,030	10	0.1%	279	2.8%	255	2.5%	1,326	13.2%
State Total	2,700,551	16,871	0.6%	324,793	12.0%	126,075	4.7%	716,501	26.5%

Source: U.S. Census Bureau, 2010 Census.

*The "Hispanic or Latino Origin" category is not considered a racial group by the U.S. Census Bureau. Only the other seven categories shown on this Fact Sheet will total 100 percent for each county. The Census Bureau has reported that in the past a vast majority of persons selecting the "Some Other Race" category were of Hispanic or Latino origin.

WARD #1		
TOT_POPULATION	TOT_LATINO	LAT_PERC
13,826	1,965	14.21%

WARD #2		
TOT_POPULATION	TOT_LATINO	LAT_PERC
13,815	3,720	26.93%

WARD #3		
TOT_POPULATION	TOT_LATINO	LAT_PERC
13,815	3,856	27.91%

WARD #4		
TOT_POPULATION	TOT_LATINO	LAT_PERC
13,818	2,236	16.18%

55,274 11,777 21.31%

NAME	POPULATION	# REGISTERED VOTERS	DISTRICT #	# OF REGISTERED VOTERS
CARSON CITY	55,274	22,280	1	6,926
			2	4,998
			3	5,117
			4	5,239
CLARK COUNTY	1,951,269	727,451	A	109,911
			B	107,159
			C	119,100
			D	73,033
			E	90,526
			F	103,256
			G	124,466
WASHOE COUNTY	421,407	216,012	1	51,628
			2	46,488
			3	30,673
			4	47,172
			5	40,051
NORTH LAS VEGAS	216,961	72,286	1	14,821
			2	13,918
			3	20,677
			4	22,870
HENDERSON	257,729	124,289	1	29,695
			2	35,775
			3	26,940
			4	31,879
RENO	225,221	90,766	1	25,864
			2	23,677
			3	16,413
			4	24,812
SPARKS	90,264	43,321	1	6,056
			2	7,381
			3	8,962
			4	11,064
			5	9,858
				AVERAGE= 10,830

EXPENDITURES

AVARIAGE COST PER CANDIDATE BY WARD LAST TWO ELECTIONS FOR THAT OFFICE

WARD 1	\$13,429	MOST MONEY SPENT - \$28,208
WARD 2	\$ 5,596	MOST MONEY SPENT - \$11,395
WARD 3	\$12,238	MOST MONEY SPENT - \$40,793
WARD 4	\$7,510	MOST MONEY SPENT - \$25,774

AVARIAGE COST CITY WIDE - \$9,693

2008 WAS THE ONLY YEAR IN WHICH THE CANDIDATE THAT SPENT THE MOST MONEY LOST. RICHARD STAUB SPENT \$25,774. MOLLY WALT SPENT \$17,272.

IN OPEN SEATS THOSE WHO SPENT THE MOST ALL WON.

SIGNATURES NEED TO RECALL

UNDER THE CHARTER AS IT NOW READS:

WARD 1	4,523
WARD 2	5,117
WARD 3	4,374
WARD 4	5,303

UNDER WARD VOTING

WARD 1	1,437
WARD 2	1,199
WARD 3	989
WARD 4	1,261

NRS 293.303 Challenges.

1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

→ (c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

CARSON CITY CHARTER

ARTICLE 5 ELECTIONS

5. If in the primary election one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, his name alone must be placed on the ballot for the general election.

In 2010 Primary Election, Ward 1, a candidate could have been elected to the Board of Supervisors with 1934 votes that represents .08% of the voters of Carson City or 16% of the voters in Ward 1. In Ward 3, 1482 votes would have elected a person to the Board or .05 % of the voters in Carson City or 23% of the voters in the ward.

In 2008 Primary Election, Ward 4, a candidate receiving 1004 votes could have been elected to the Board that is .05% of the voters of Carson City or 19% of the voters in Ward 4.



Courthouse News Service

Thursday, June 23, 2011 Last Update: 8:06 AMPT



Election Shenanigans Decried in Nevada

By BICK DIMITIS

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LAS VEGAS (CN) - A dentist who won a seat on the North Las Vegas City Council by 1 vote says council members overstepped their authority by calling for a new election, "because their preferred candidate lost."

Dr. Wade Wagner sued the City of North Las Vegas and its four council members in Clark County Court. He says the voided the election he won, 1,831 to 1,830, because they favor his opponent, incumbent Richard Cherchio.

Wagner claims he is "being deprived of the office due to the unlawful actions of partisan city council members who claim the power to void lawful votes because their preferred candidate lost."

Wagner won the primary for Ward 4 of the North Las Vegas City Council in his bid to unseat Cherchio. On Election Day, the Clark County Registrar of Voters Larry Lomax reported that Wagner won the race by 1 vote, 1,831 to 1,830.

Lomax later claimed that "he learned that a ballot for the Ward 4 election had been wrongly provided to a voter" registered in a different ward. Lomax reported the issue to the city.

Acting against the advice of an attorney brought in to advise them, three members of the City Council - defendants Anita Wood, Robert Eliason and William Robinson - claimed the power "to wipe clean all votes in the precinct and order a new election," Wagner says in his complaint.

Wagner says the council is misinterpreting the law, which allows the council to call a new election only when there is a "loss or destruction of ballots, or other cause preventing election in precinct or district."

"No law authorizes the City Council to void legally cast votes under the theory that they are 'unsure' whether an improper vote was cast in favor of the winning candidate," Wagner says.

He claims the City Council members "seek to unlawfully circumvent Nevada law so as to relieve their incumbent colleague of the election results."

Ward says Lomax claims to know the identity of voter in question, "but it is not possible to actually identify that voter's specific ballot to determine whether he voted in the City Council race and, if so, for which candidate."

"As Lomax has conceded, there are three possibilities. The voter may not have voted in this race, as there were at least two voters in [the precinct] who did not vote in the City Council race. Or, the voter could have voted for Wagner or Cherchio.

"Yet, there is no circumstance in which Cherchio can be the winner. If the voter did not cast a vote in the election, Wagner won by one vote. If the voter favored Cherchio, Wagner would have actually won by two votes. If the improper vote were cast for Wagner, the outcome would be a tie, and the procedures governing ties would then apply."

In the event of a tie, the City Council is "obligated to canvass the votes and instruct the City Clerk to certify the result. Thereafter, the law vests Cherchio with the right to demand a recount. Obviously, the results of such a recount may have rendered the entire dispute moot if either Wagner or Cherchio picked up enough votes in their favor as a result of the recount," according to the complaint.


"Simply put, Nevada law expressly requires Cherchio to bring an election contest and prove that an illegal vote was cast in favor of Wagner and that without the improper vote, Wagner would not have won the election."

The council cited a state law that allows the city to order a new election, but Wagner says the law applies only when an election has been "prevented" due to destruction of ballots.

"Here, no election was prevented," Wagner says. "Rather, the election proceeded as scheduled. While Lomax announced the possibility of an improper vote, the effect of this vote on the election, and whether there had been any effect at all, is utter speculation."

Council members Wood, Eliason and Robinson voted to reject the canvass of the votes and hold a new election, which Wagner says is "outside the scope" of their authority.

Wagner seeks an injunction "preventing the disenfranchisement of voters and requiring the city to immediately canvass the votes and certify the results of the election."

He is represented by Todd Bice with Pisanelli Bice. 

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2006 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
05/23/2006	Discussion and possible action to recommend to the Board of Supervisors a charter amendment that establishes a process by which the mayor would be replaced in the event of resignation or death while in office.	Action was taken to recommend adoption of the following language: "A vacancy in the office of mayor created other than by temporary absence or disability must be filled by the mayor <i>pro tem</i> , who shall serve as mayor until the next general election; the vacancy in the office of supervisor created by the mayor <i>pro tem</i> 's assumption of the mayor's office shall be filled by appointment, as outlined above." The motion included a recommendation to amend paragraph 2 of Section 2.030 to read as follows: "No such appointment or succession shall extend beyond the first Monday in January after the next general election at which a new supervisor and / or mayor must be elected."
05/23/2006	Discussion and possible action to recommend to the Board of Supervisors a charter amendment allowing the Board of Supervisors to pass an ordinance granting the benefits provided to unclassified employees of the City to elected officials.	Action was taken to recommend the following language: "2.340 Benefits of Carson City Elected Officials. The Carson City Board of Supervisors may pass ordinances granting the same benefits provided to unclassified employees of the City as to elected officials."
05/23/2006	Discussion and possible action to recommend to the Board of Supervisors a charter amendment requiring all city advisory boards, commissions, and committees to enact bylaws.	Action was taken to recommend to the Board of Supervisors a charter amendment requiring all city advisory boards, commissions, and committees to enact bylaws or utilize common bylaws, approved by the Board of Supervisors, for the conduct of their business. Reference is made to the May 19, 2006 letter from City Manager Linda Ritter regarding this item.
06/27/2006	Discussion and possible action to recommend to the Board of Supervisors an amendment to Section 2.030 of the charter regarding the method by which action is taken to fill a Board of Supervisors vacancy.	Following explanation and clarification of Section 2.030, consensus of the committee was to take no action with regard to this item.

2006 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
06/27/2006	Discussion and possible action to recommend to the Board of Supervisors an amendment to Section 2.320 of the charter regarding defunct advisory boards, commissions, and committees established by the Board of Supervisors.	Following explanation and clarification of Section 2.320, consensus of the committee was to take no action with regard to this item.
06/27/2006	Discussion and possible action to recommend to the Board of Supervisors a charter amendment regarding effective community notification procedures in the event of emergency.	Following discussion of this item and explanation of the City's emergency notification procedures, by City Manager Linda Ritter, consensus of the committee was to take no action with regard to this item.
06/27/2006	Discussion and possible action to recommend to the Board of Supervisors an amendment to Section 2.275 of the charter to more specifically define the powers of the Board of Supervisors as related to water.	Action was taken to approve the proposed amendment language with minor revisions to the wording of paragraphs 3 and 10.

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the March 28, 2006 Meeting
Page 1

A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, March 28, 2006 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ron Allen
Ernie Adler
Joan Andreas
Stephen Lincoln
Steve Suwe
James Wallace

STAFF: Alan Glover, Clerk-Recorder
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is available, in the Clerk-Recorder's Office, for review during regular business hours.

- A. CALL TO ORDER (1-0007)** - Chairperson DePauw called the meeting to order at 5:30 p.m.
- B. ANNUAL SWEARING IN OF MEMBERS (1-0014)** - Mr. Glover administered the Oath of Office to the committee members.
- C. ROLL CALL (1-0038)** - Roll was called; a quorum was present.
- D. ORIENTATION (1-0053)** - Mr. Glover advised there had not yet been any appointments by the State Senators. Ms. Bruketta distributed Open Meeting Law manuals to the committee members, and advised the manual is also available via the Internet. She provided an overview of pertinent sections, and requested the committee members to review the same. In response to a question, she cautioned the committee members against discussing committee business outside of an open meeting, and against walking quorums. She noted the copies of the bylaws and the City Charter which were included in the agenda materials, together with a table of actions taken by the 2004 committee.
- E. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0251)** - None.
- F. INTRODUCTION OF NEW MEMBERS (1-0254)** - At Chairperson DePauw's request, the committee members introduced themselves, and provided background information on their work experience and community involvement.
- G. ACTION TO ELECT CHAIRPERSON AND VICE CHAIRPERSON (1-0378)** - Chairperson DePauw called for nominations. **Member Allen nominated Donna DePauw. Member Lincoln seconded the nomination.** Chairperson DePauw called for additional nominations and, when none were forthcoming, closed nominations and called for a vote. **Nomination carried 7-0.** Chairperson DePauw

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the March 28, 2006 Meeting
Page 2

called for nominations for vice chair. **Member Lincoln nominated Ron Allen. Member Suwe seconded the nomination.** Chairperson DePauw called for additional nominations and, when none were forthcoming, entertained a motion. **Motion carried 7-0.**

H. FUTURE AGENDA ITEMS (1-0389) - Ms. Bruketta advised of a possible future agenda item. Chairperson DePauw requested the committee members to review the charter, and contact her with possible agenda items.

I. ACTION ON ADJOURNMENT (1-0475) - Member Lincoln moved to adjourn the meeting at 5:56 p.m. Vice Chairperson Allen seconded the motion. Motion carried 7-0.

The Minutes of the March 28, 2006 Carson City Charter Review Committee meeting are so approved this 23rd day of May, 2006.

DONNA DePAUW, Chair

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the May 23, 2006 Meeting
Page 1

A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, May 23, 2006 in the City Hall Executive Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Ernie Adler
Joan Andreas
Stephen Lincoln
Steve Suwe

STAFF: Alan Glover, Clerk-Recorder
Ken Furlong, Sheriff
Dave Dawley, Assessor
Mary-Margaret Madden, Senior Deputy District Attorney
Kathleen King, Recording Secretary

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

A. CALL TO ORDER; DETERMINATION OF A QUORUM (1-0009) - Chairperson DePauw called the meeting to order at 5:33 p.m. Roll was called; a quorum was present. Vice Chairperson Allen and Member Wallace were absent.

B. ACTION ON APPROVAL OF MINUTES - March 28, 2006 (1-0020) - Member Lincoln moved to approve the minutes, as presented. Member Adler seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0023) - None.

D. MODIFICATION TO THE AGENDA (1-0031) - None.

E. PUBLIC HEARING ACTION ITEMS:

E-1. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT THAT ESTABLISHES A PROCESS BY WHICH THE MAYOR WOULD BE REPLACED IN THE EVENT OF RESIGNATION OR DEATH WHILE IN OFFICE (1-0034) - Chairperson DePauw provided background information on this item, and referred to the proposed language distributed to the committee members prior to the start of the meeting. Mr. Glover responded to questions regarding the proposed language, and discussion followed. Member Adler proposed to change the language to indicate that the mayor *pro tem* would serve until the next general election. Following additional discussion, **Member Adler moved to adopt the following language: "A vacancy in the office of mayor created other than by temporary absence or disability must be filled by the mayor *pro tem*, who shall serve as mayor until the next general election; the vacancy in the office of supervisor created by the mayor *pro tem*'s assumption of the mayor's office shall be filled by appointment, as outlined above"; and amend paragraph 2 of Section 2.030, to read as follows: "No such appointment or succession shall extend beyond the first Monday in January after the next general election at which a new supervisor and / or mayor must be elected."** Member Lincoln

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the May 23, 2006 Meeting
Page 2

seconded the motion. Ms. Madden responded to questions regarding the scope of this agenda item, and Mr. Glover provided clarification of the intent of the agenda item. Chairperson DePauw called for a vote on the pending motion; **motion carried 5-0.**

E-2. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT ALLOWING THE BOARD OF SUPERVISORS TO PASS AN ORDINANCE GRANTING THE BENEFITS PROVIDED TO UNCLASSIFIED EMPLOYEES OF THE CITY TO ELECTED OFFICIALS (1-0316) - Mr. Glover provided background information on this item, and reviewed proposed language which was provided to the committee members and staff prior to the start of the meeting. He advised there was no need to list the benefits granted because they are presented as a package to the Board of Supervisors. In addition, elected officials are prohibited from being compensated for sick or annual leave and do not receive merit increases. The proposed amendment would entitle the elected officials to receive cost of living increases. Mr. Glover acknowledged there would be no fiscal difference other than the cost of living increases. **Member Lincoln moved to recommend to the Board of Supervisors the language proposed as “2.340 Benefits of Elected Officials, that the Carson City Board of Supervisors shall not be prohibited from passing an ordinance granting the benefits provided to unclassified employees of the City to elected officials of the City.” Member Adler seconded the motion.** Following discussion, Member Adler read the following proposed language into the record: “Benefits of Carson City Elected Officials. The Carson City Board of Supervisors may pass ordinances granting the same benefits provided to unclassified employees of the City as to elected officials.” **Member Lincoln so amended his motion. Member Adler continued his second.** Chairperson DePauw called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 5-0.**

E-3. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT REQUIRING ALL CITY ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES TO ENACT BYLAWS (1-0533) - Chairperson DePauw distributed copies of a letter from City Manager Linda Ritter to the committee members and staff, and provided background information with regard to this item. Member Adler suggested developing a standard set of bylaws to be used by any committee which doesn't already have bylaws. Member Andreas suggested that requiring bylaws for advisory boards, commissions, and committees to the Board of Supervisors does not necessarily need to be included as a charter amendment. Member Adler agreed, and suggested presenting the recommendation to the Board of Supervisors to require at least a generic set of bylaws. Member Lincoln suggested the Board of Supervisors form a bylaws committee. Ms. Madden cautioned the committee against making recommendations to the Board of Supervisors regarding Board of Supervisors policies. The committee's purpose is to recommend amendments to the charter. In response to a comment, Ms. Madden reviewed the committee's duties under Section 1.090 of the charter. Chairperson DePauw suggested recommending a charter amendment to require bylaws and, if the Board of Supervisors so chooses, the requirement could be enacted by ordinance. In response to a question, Member Suwe suggested proposing the amendment at Section 2.320, Advisory Boards. **Member Adler moved to recommend to the Board of Supervisors a charter amendment requiring all city advisory boards, commissions, and committees to enact bylaws or utilize common bylaws, approved by the Board of Supervisors, for the conduct of their business. Member Suwe seconded the motion. Motion carried 5-0.**

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F. FUTURE AGENDA ITEMS (1-0845) - Chairperson DePauw advised the members of the meeting scheduled for Tuesday, June 27th. Member Lincoln requested to agendaize review and discussion of Section 2.030(1) with regard to who can vote to fill a vacancy. Chairperson DePauw advised she would review the charter and discuss with Ms. Madden the appropriateness of agendaizing discussion of re-establishing defunct advisory committees.

G. ACTION ON ADJOURNMENT (1-0921) - Member Andreas moved to adjourn the meeting at 6:23 p.m. Member Adler seconded the motion. Motion carried 5-0.

The Minutes of the May 23, 2006 Carson City Charter Review Committee meeting are so approved this 27th day of June, 2006.

DONNA DePAUW, Chair

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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, June 27, 2006 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Ernie Adler
Joan Andreas
Stephen Lincoln
James Wallace

STAFF: Linda Ritter, City Manager
Mary-Margaret Madden, Senior Deputy District Attorney
Kathleen King, 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 public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER; DETERMINATION OF A QUORUM (1-0007) - Chairperson DePauw called the meeting to order at 5:31 p.m. Roll was called; a quorum was present. Vice Chairperson Allen and Member Suwe were absent.

B. ACTION ON APPROVAL OF MINUTES - May 23, 2006 (1-0017) - Member Lincoln moved to approve the minutes, as presented. Member Andreas seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0040) - None.

D. MODIFICATION TO THE AGENDA (1-0029) - None.

E. PUBLIC HEARING ACTION ITEMS:

E-1. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.030 OF THE CHARTER REGARDING THE METHOD BY WHICH ACTION IS TAKEN TO FILL A BOARD OF SUPERVISORS VACANCY (1-0044) - Chairperson DePauw provided background information on this item. Member Lincoln read Section 2.030(1) into the record, and expressed concern the language may disenfranchise certain members of the Board of Supervisors. He described a possible scenario in which only one supervisor would be able to vote on a Board of Supervisors replacement. Ms. Ritter related her experience in a situation where a governing body was required to fill a vacancy. She noted the requirement to fill a vacancy within thirty days after occurrence of the vacancy, and that the language is typical in many charters. Discussion took place to clarify the language of the Section 2.030(1). Following the explanation and clarification, Member Lincoln withdrew his concern.

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E-2. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.320 OF THE CHARTER REGARDING DEFUNCT ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES ESTABLISHED BY THE BOARD OF SUPERVISORS (1-0160) - Chairperson DePauw provided background information on this item, and related details of a conversation with Supervisor Pete Livermore following the last committee meeting. In response to a question, Ms. Madden advised that Section 2.320 empowers the Board of Supervisors to create temporary advisory committees. She read a portion of the language into the record. Chairperson DePauw expressed concern over the potential loss of institutional knowledge of advisory committee members. Member Adler expressed the opinion the Board of Supervisors is responsible to appoint qualified members to their advisory committees. Member Andreas explained her surprise over the Storm Drainage Advisory Committee having been dissolved, but expressed satisfaction with the language of the subject charter section. She expressed confidence the Board of Supervisors would re-establish the Storm Drainage Advisory Committee, if necessary.

Ms. Ritter provided background information on the temporary nature and purpose of the Storm Drainage Advisory Committee and the Utilities Advisory Committee. She advised that the Board of Supervisors eventually adopted a storm water utility. She noted that the Board of Supervisors will, from time to time, “reach out to the community to get some expertise on advisory boards,” and that many people don’t wish to serve indefinitely. Member Andreas indicated her satisfaction with the explanation provided.

E-3. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT REGARDING EFFECTIVE COMMUNITY NOTIFICATION PROCEDURES IN THE EVENT OF EMERGENCY (1-0279) - Chairperson DePauw provided background information on this item. She suggested broadcasting emergency information on the same station used by the Convention and Visitors Bureau. In response to a question, Ms. Ritter advised that community access television could be used for such notification. She reviewed procedures implemented since the Waterfall Fire, including the reverse 911 system, the Sheriff’s volunteer program which conducts door-to-door notifications, the Fire Department’s community emergency response teams, etc. Direct notification is in place should it be needed. Ms. Ritter advised that community access television broadcast information during the Waterfall Fire, which included a 24-hour telephone line. She further advised that the majority of calls received were from people living outside of the area who were concerned about family and friends. She advised of improvements to be made to notification procedures, through community access television, once the Brewery Arts Center takes over its management on July 1st. In addition, the City’s website will be updated to provide effective notification. Ms. Ritter advised that a charter amendment would not be appropriate in this instance because effective community notification procedures are considered public service. She acknowledged a need to establish better communication with local radio stations, but noted the problem that many broadcast from Reno. She further acknowledged there is no perfect media for effective emergency notification. Member Andreas expressed appreciation for the Sheriff’s and Fire Department volunteers. Ms. Ritter acknowledged that emergency notification procedures will continue to be refined.

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E-4. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.275 OF THE CARSON CITY CHARTER TO MORE SPECIFICALLY DEFINE THE POWERS OF THE BOARD OF SUPERVISORS AS RELATED TO WATER (1-0445) - Chairperson DePauw provided background information on this item, and referred to the agenda materials. She advised of having contacted Dorothy Timian-Palmer prior to the meeting, and related details of the conversation. She expressed concern that this item had not yet been submitted to the Board of Supervisors. Ms. Ritter advised that the item was being first submitted to this committee according to procedure.

Ms. Ritter read into the record a memo to the committee. She discussed an inter-local agreement with Lyon County, to be presented at the next Board of Supervisors meeting, to connect water systems. She discussed possible partnerships with private sector firms for re-use water in the future. She acknowledged the proposed language is common to many water districts. She was uncertain as to whether the language is common to other charters. Member Wallace noted the proposed language was more detailed than that which is usually included in a city charter. In response to a question, Ms. Ritter expressed the belief there is no risk in including the language. She advised that Carson City acquires water from five different water basins, and noted that the need for flexibility is critical. Discussion followed.

In response to a question, Ms. Ritter advised that the City is entering into new procedures for water management. The proposed language will ensure the Board of Supervisors is appropriately empowered. Ms. Ritter reiterated the possibility of partnerships with other counties, other government agencies, and/or the private sector. She discussed issues associated with the Brunswick Reservoir which are in the process of being addressed. Member Adler provided historic information on legislative bills associated with water management. He responded to questions regarding corresponding legislative processes. Ms. Ritter noted that Carson City is in a unique position to include language in its charter. Most counties don't have the same opportunity and have to create water districts instead.

The committee members reviewed and discussed the proposed language, copies of which were included in the agenda materials. Following discussion of the language of paragraph 3, Member Lincoln suggested adding the word "lawfully" after the word "To" in the first sentence. He further suggested adding the word "agricultural" to paragraph 10. Ms. Ritter responded to additional questions regarding the purpose for proposing the charter amendment. In response to a question, Ms. Madden advised that the Legislative Counsel Bureau cross-references information, where appropriate. Chairperson DePauw entertained a motion. **Member Adler moved to approve the proposed language with the addition of the word "lawfully" between the words "To" and "enter" in paragraph 3, addition of the word "agricultural" between the words "industrial" and "irrigation," and addition of the word "recreational" after the word "municipal" in paragraph 10. Member Lincoln seconded the motion. Motion carried 5-0.**

E-5. DISCUSSION AND POSSIBLE ACTION REGARDING THE DATE, TIME, AND PRESENTATION FORMAT FOR THE JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE CHARTER REVIEW COMMITTEE (1-1658) - Chairperson DePauw advised of the understanding that Thursday, July 20th is likely the latest date to meet with the Board of Supervisors in order to provide sufficient time for bill drafts to be submitted to the Legislative Counsel Bureau. In

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response to a question, consensus of the committee was to request that the joint meeting be scheduled for 1:30 p.m. Chairperson DePauw requested the committee members to make every effort to attend the joint meeting.

F. ACTION ON ADJOURNMENT (1-1793) - Chairperson DePauw thanked the committee members for their participation, and City staff for their assistance. Member Lincoln moved to adjourn the meeting at 7:02 p.m. Member Andreas seconded the motion. Motion carried 5-0.

The Minutes of the June 27, 2006 Carson City Charter Review Committee meeting are respectfully submitted this 10th day of July, 2006.

ALAN GLOVER, Clerk-Recorder

By: _____
Kathleen M. King, Deputy Clerk / Recording Secretary

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Supervisor Aldean moved to approve a financial contribution not to exceed \$27,500 to the Carson Tahoe Regional Healthcare to support the Adolescent Intensive Outpatient Program to be funded from the 2006-2007 Contingency Account. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining. Mr. Epperson expressed his hope that Supervisor Williamson will be able to meet Dr. Runyan. He is an extra ordinary individual. The individuals who provide the service are incredibly dedicated individuals. Mr. Epperson that the Hospital had learned a lot about the need for more careful and thoughtful expansion of their services as they move forward than they have done in the past.

8. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (10:49:15)-
None.

B. STAFF COMMENTS AND STATUS REPORT (10:49:20) - None.

RECESS: Mayor Teixeira declared a recess at 10:50 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 1:30 p.m. for a joint meeting with the Carson City Charter Review Committee. A quorum of the Board was present.

CALL TO ORDER AND ROLL CALL OF THE CHARTER REVIEW COMMITTEE (1:28:00) - Chairperson DePauw convened the Committee. Roll call of the Committee was conducted. Committee Members present included: Chairperson DePauw and Members Andreas, Lincoln, and Wallace. Member Suwe arrived at 1:32 p.m. Members Allen and Adler were absent. A quorum was present.

PUBLIC COMMENTS AND DISCUSSION - None.

9. CLERK-RECORDER- Alan Glover, Chairperson Donna DePauw

A. ACTION TO PRESENT TO THE NEVADA STATE LEGISLATURE THE RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO ADOPT THE FOLLOWING LANGUAGE AS AN AMENDMENT TO THE CARSON CITY CHARTER TO ESTABLISH A PROCESS BY WHICH THE MAYOR WOULD BE REPLACED IN THE EVENT OF RESIGNATION OR DEATH WHILE IN OFFICE: "A VACANCY IN THE OFFICE OF MAYOR CREATED OTHER THAN BY TEMPORARY ABSENCE OR DISABILITY MUST BE FILLED BY THE MAYOR *PRO TEM*, WHO SHALL SERVE AS MAYOR UNTIL THE NEXT GENERAL ELECTION; THE VACANCY IN THE OFFICE OF SUPERVISOR CREATED BY THE MAYOR *PRO TEM*'S ASSUMPTION OF THE MAYOR'S OFFICE SHALL BE FILLED BY APPOINTMENT, AS OUTLINED ABOVE." (1:29:52) - The 30-day time frame for the appointments are contained in the NRS and the Charter. Justification for having a replacement program was explained. The proposal must be approved by the Legislature before it is enacted. Supervisor Aldean moved to present to the Nevada State Legislature the adoption of the following language as an amendment to the Carson City Charter to establish a process by which the Mayor will be replaced in the event of resignation or death while in office: "A vacancy in the office of Mayor, created other than by temporary absence or disability, must be filled by the Mayor Pro-Tem, who shall serve as Mayor until the next General Election; the vacancy in the office of Supervisor created

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by the Mayor Pro-Tem's assumption of the Mayor's office shall be filled by appointment, as outlined above."; (and) Paragraph 2 of Section 2.030 is proposed to read as follows: "No such appointment or succession shall extend beyond the first Monday in January after the next General Election at which a new Supervisor and/or Mayor must be elected.". Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO PRESENT TO THE NEVADA STATE LEGISLATURE THE RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO ADOPT THE FOLLOWING LANGUAGE AS AN AMENDMENT TO THE CARSON CITY CHARTER: "SECTION 2.340 BENEFITS OF CARSON CITY ELECTED OFFICIALS. THE CARSON CITY BOARD OF SUPERVISORS MAY PASS ORDINANCES GRANTING THE SAME BENEFITS PROVIDED TO UNCLASSIFIED EMPLOYEES OF THE CITY TO ELECTED OFFICIALS."(1:34:30) - Justification for the proposal included the lack of knowledge regarding when or if the Legislature will grant the elected officials a salary increase and the fact that some elected officials are experiencing compaction problems with their unclassified employees' salaries. The proposal will not grant the Board or the elected officials a salary increase. It will, however, grant them some benefits which the unclassified employees have. Supervisor Livermore moved to present to the Nevada State Legislature the adoption of the following language as an amendment to the Carson City Charter: "Section 2.340 Benefits of Carson City Elected Officials. The Carson City Board of Supervisors may pass ordinances granting the same benefits provided to unclassified employees of the City to elected officials.". Supervisor Aldean seconded the motion. Discussion indicated that the elected officials are: Assessor, Clerk-Recorder, Treasurer, District Attorney, and Sheriff. The motion was voted and carried 5-0.

C. ACTION TO PRESENT TO THE NEVADA STATE LEGISLATURE THE RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO AMEND THE CARSON CITY CHARTER TO REQUIRE ALL CITY ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES TO ENACT BYLAWS OR UTILIZE COMMON BYLAWS, APPROVED BY THE BOARD OF SUPERVISORS, FOR THE CONDUCT OF THEIR BUSINESS (1:38:43) - Discussion ensued on the reasons for having bylaws including generic ones like those that were adopted by the Committee during its 2004 session. The former Internal Auditor had recommended that the committees/commissions/boards have bylaws. City Manager Ritter pointed out that the requirement would mandate that even committees/commissions having a singular purpose will have to adopt bylaws. Discussion indicated that the question is whether the requirement should be in the Board's enabling legislation or in the Charter. Board comments indicated that the current committees/commissions/boards should be analyzed to determine if they have bylaws or if there is a need for them to have bylaws. Supervisor Livermore suggested that they also have a vision statement that includes a purpose and a preamble of intent. Supervisor Staub cautioned the Board about mandating bylaws as it makes the members responsible for knowing the bylaws and how they are applied. Violation of the bylaws will place the member(s) in violation of their appointments. He preferred to have the requirement included in the enabling resolution or in a policy statement. The committees/commissions with bylaws should keep them. Mayor Teixeira opposed inclusion of the proposal in the Charter and used the former Capital Project Advisory Committee to illustrate his position. Some committees are very small. Others are ad hoc. The requirement should be addressed on a committee by committee basis. He questioned the reasons the Charter Committee felt it was necessary to have bylaws when it had operated for years without them. The Committee only meets every two years. Chairperson DePauw explained that it provides continuity, guidelines, and direction for the members. She felt that the Committee was willing to

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accept the resolution concept. Mayor Teixeira felt that bylaws may work for some committees but not all committees. Charter Committee Members' comments indicated that there are only 10 items in its by-laws. It is a very simple, generic document. Justification for the Committee's need of the by-laws was explained. Supervisor Aldean reiterated that the proposal had been one of the former Internal Auditor's recommendations. It provides the committees/commissions with direction and frames their work. It prevents them from deviating from that framework. She supported the resolution concept. Chairperson DePauw agreed that it could be a City Manager project. Supervisor Aldean moved to direct the City staff, specifically, City Manager Linda Ritter, to prepare or have prepared bylaws for each of the standing committees to give them some framework and direction. Following a request for an amendment, Supervisor Aldean amended her motion to include standing boards, committees, and commissions. Supervisor Williamson seconded the motion. Motion carried 5-0.

10. CITY MANAGER - Linda Ritter - ACTION TO ADOPT A RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THEY AMEND CARSON CITY CHARTER SECTION 2.275, TO GRANT TO THE BOARD OF SUPERVISORS THOSE AUTHORITIES RELATED TO WATER DISTRICTS AS SET FORTH IN NEVADA STATE LAW (1:51:20) - Discussion indicated that the changes suggested by the Committee had been included in the version presented to the Board. Additional comments were solicited but none were given. Chairperson DePauw explained her concern about the City's current ability to regulate the days when irrigation is allowed and other portions of the Statute. Due to this ability, she felt that it may have been possible to implement the Statutes without having to amend the Charter. Mayor Teixeira explained that inclusion in the Charter will allow the City to work in public-private partnerships and it provides additional flexibility in the area of reuse which has not been done before. Chairperson DePauw disclosed her discussion with Dorothy Timian-Palmer who purportedly had indicated that she supported the proposal as it benefits both the public and private sectors. Supervisor Aldean pointed out that by having the ability in the City's Charter, the City's position will be strengthened if the Legislature ever revises the enabling Statutes. Additional comments were solicited but none were given. Supervisor Williamson moved to adopt a recommendation from the Charter Review Committee to recommend to the Nevada State Legislature that they amend Carson City Charter Section 2.275 to grant to the Board of Supervisors those authorities as outlined related to water districts as set forth in Nevada State Law. Supervisor Livermore seconded the motion. Motion carried 5-0.

OTHER MATTERS (1:58:18) - Mayor Teixeira indicated that the Committee does an excellent job and serves the community well. There must be something he could do to get them back together. He also felt that there could be a problem with the elected officials' proposal. Mr. Glover concurred. Mayor Teixeira indicated that it needed to be adopted and supported as part of the City's legislative agenda. It will take some selling. Discussion with Mr. Glover indicated that it may have to go through Senate Governmental Affairs and the Assembly Governmental Affairs. Mayor Teixeira again complimented the Committee on its service to the community. Chairperson DePauw thanked the Board for approving their recommendations. She acknowledged the lack of knowledge regarding the reception that the Legislature will give the recommendations. She also thanked the City staff and the other volunteers for their service. She felt that the bylaws had helped them perform their duties in an efficient and smooth manner. Mayor Teixeira noted that a previous Charter Committee had given the Mayor a raise which was approved by the Board, however, he had lobbied against it at the Legislature which killed the proposal. He, again, thanked the Committee for its time, efforts, and serving the community. No formal action was taken on any of these items.

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11. ACTION TO ADJOURN (2:02:03) - Member Lincoln moved to adjourn. Member Wallace seconded the motion. Motion carried 5-0. Chairperson DePauw adjourned the Carson City Charter Review Committee at 2:03 p.m.

Supervisor Staub moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the Carson City Board of Supervisors at 2:04 p.m.

The Minutes of the July 20, 2006, Carson City Board of Supervisors session

ARE SO APPROVED ON August 17, 2006.

/s/

Marv Teixeira, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder

2008 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
<p>03/25/2008 04/22/2008</p>	<p>Discussion and possible action to recommend to the Board of Supervisors an amendment to the charter to prohibit a relative of a member of the Board of Supervisors from working in the City Manager's Office.</p> <p><i>Note: This item was originally agendized for the March 25, 2008 meeting, and deferred to the April 22, 2008 meeting at which final action was taken.</i></p>	<p>Action was taken to not recommend to the Board of Supervisors an amendment to the charter to prohibit a relative of a member of the Board of Supervisors from working in the city manager's office. Motion carried 7-0.</p>
<p>03/25/2008 04/22/2008</p>	<p>Discussion and possible action to recommend to the Board of Supervisors an amendment to the charter to include the job description and responsibilities of the City Manager.</p> <p><i>Note: This item was originally agendized for the March 25, 2008 meeting, and deferred to the April 22, 2008 meeting at which final action was taken.</i></p>	<p>Action was taken to not recommend any amendment to the charter to include the job description and responsibilities of the city manager. Motion carried 5-2.</p>
<p>03/25/2008 04/22/2008</p>	<p>Discussion and possible action to recommend to the Board of Supervisors an amendment to the charter to prohibit organizational changes within the city without charter review committee approval.</p> <p><i>Note: This item was originally agendized for the March 25, 2008 meeting, deferred to the April 22, 2008 meeting at which it was re-worded and re-agendized for the May 20, 2008 meeting at which final action was taken.</i></p>	<p>Discussion indicated consensus to revise the wording of the agenda item. Chief Deputy District Attorney Melanie Bruketta provided direction, and action was taken to defer the re-worded item to the May 20, 2008 agenda. Motion carried 7-0.</p> <p>See (*) item on page 2.</p>
<p>05/20/2008</p>	<p>Discussion and possible action regarding designated staff and their job duties pertinent to the charter review committee.</p>	<p>Discussion took place regarding clarification of the responsibilities of city staff pertinent to the committee. No formal action was taken.</p>

2008 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
05/20/2008	Discussion and possible action to amend charter review committee bylaws to include city staff.	Based on discussion under the previously listed item, consensus of the committee was to not amend the bylaws. No formal action was taken.
05/20/2008	*Discussion and possible action to recommend to the Board of Supervisors an amendment to Section 1.090 of the Carson City Charter to require amendments to the charter to be reviewed by the charter review committee prior to review by the Carson City Board of Supervisors.	Action was taken to recommend to the Board of Supervisors an amendment to the charter requiring proposed amendments to the charter to be reviewed by the charter review committee prior to being submitted to the Board of Supervisors. Motion carried 5-0.
05/20/2008	Discussion and possible action to recommend to the Board of Supervisors an amendment to the charter to require all elected officials to be residents and registered voters in Carson City.	Following explanation of NRS 293.1755 by Chief Deputy District Attorney Melanie Bruketta, action was taken to not recommend an amendment to the charter to require all elected officials to be residents and registered voters in Carson City. Motion carried 5-0.
05/20/2008	<p>Discussion and possible action to recommend to the Board of Supervisors an amendment to the charter to eliminate the mayoral position and have five county supervisors.</p> <p>Discussion and possible action to recommend to the Board of Supervisors an amendment to the charter to change wards to reflect five county supervisors.</p> <p><i>Note: These items were agendized separately and combined during the meeting.</i></p>	Action was taken to not recommend an amendment to eliminate the mayoral position and have five county supervisors and to not recommend an amendment to change the wards to reflect five county supervisors. Motion carried 5-0.

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the March 25, 2008 Meeting
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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, March 25, 2008 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ron Allen
Joan Andreas
Steve Platt
Steve Suwe

STAFF: Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, 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 public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER; DETERMINATION OF QUORUM (1-0009) - Chairperson DePauw called the meeting to order at 5:34 p.m. Roll was called; a quorum was present. Members Adler and Lincoln were absent.

B. ACTION TO ELECT CHAIR AND VICE CHAIR (1-0016) - Chairperson DePauw called for nominations for chair. **Vice Chairperson Allen nominated Donna DePauw. Member Andreas seconded the nomination.** Chairperson DePauw called for additional nominations and, when none were forthcoming, a vote on the pending nomination. **Nomination carried 5-0.** Chairperson DePauw thanked the committee members and called for nominations for vice chair. **Member Suwe nominated Ron Allen. Member Platt seconded the nomination.** Chairperson DePauw called for additional nominations and, when none were forthcoming, a vote on the pending nomination. **Nomination carried 5-0.**

C. PRESENTATION AND DISCUSSION OF NEVADA OPEN MEETING LAW (1-0039) - Chairperson DePauw introduced this item. Ms. Bruketta encouraged the committee members to review the most current edition of the Nevada Open Meeting Law manual on the Attorney General's website. She cautioned the committee members against walking quorums, i.e., discussing committee business with other committee members by e-mail or telephone. She provided direction with regard to communicating with her and the method by which she would, in turn, communicate with the other committee members. At Chairperson DePauw's request, she provided her telephone number. Member Platt acknowledged a familiarity with the Nevada Open Meeting Law.

D. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0093) - None.

E. INTRODUCTION OF NEW MEMBER (1-0101) - Chairperson DePauw introduced Member Platt, who provided background information on his Carson City residence, employment, and community involvement. Chairperson DePauw thanked Member Platt for his service to the committee.

F. REVIEW OF 2006 CHARTER REVIEW COMMITTEE ITEMS (1-0123) - Chairperson DePauw introduced this item, referred to the pertinent agenda materials, and entertained questions or comments. She requested to review the May 19, 2006 letter from former City Manager Linda Ritter

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referenced in conjunction with the May 23, 2006 committee action listed on the table included in the agenda materials. She inquired as to a charter amendment presented by former City Manager Linda Ritter and approved by the Board of Supervisors. In response to a question, Ms. King explained that the table included in the agenda materials only included items which were agendized and acted upon by the committee in 2006. Ms. Bruketta acknowledged the Board of Supervisors' prerogative to amend the charter without committee review.

G. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO PROHIBIT A RELATIVE OF THE BOARD OF SUPERVISORS FROM WORKING IN THE CITY MANAGER'S OFFICE (1-0191) - Chairperson DePauw introduced this item. In response to a question, Ms. Bruketta advised that the subject item was agendized at the request of Supervisor Livermore. She advised of having conducted research based on the agenda item, and distributed to the committee members and staff an Attorney General's Opinion. She provided background information on the case law cited in the opinion, and advised that the Attorney General opined it would be a violation of one's constitutional rights to require them to leave their job because someone in their family is elected or appointed to an office. Ms. Bruketta advised of anti-nepotism laws in the State of Nevada, which are also cited in the opinion. She further advised that the Attorney General noted the potential for conflicts of interest from which the elected official would be required to recuse themselves.

Vice Chairperson Allen suggested deferring the item until such time as Supervisor Livermore could be present. He expressed understanding for the concern, but didn't see any reason for recommending a charter amendment. Member Platt expressed an interest in hearing from Supervisor Livermore as well. He noted that the agenda item was limited to the City Manager's Office and suggested an elected official could also exert influence in other City departments. In response to a question, Ms. Bruketta advised that a spouse would be considered within the third degree of affinity. At Vice Chairperson Allen's request, she agreed to research the details of the third degree of consanguinity and affinity. Member Suwe also expressed an interest in hearing from Supervisor Livermore, but suggested taking action at the next meeting, whether or not Supervisor Livermore is available to attend, in order to avoid prolonging this item. **Vice Chairperson Allen moved to defer this item until the next meeting so that Supervisor Livermore could be present.** Chairperson DePauw advised she would request Supervisor Livermore's attendance at the next meeting. Ms. Bruketta requested the committee members to review the opinion and case law she had provided. The committee members thanked her for providing the information. **Member Suwe seconded the motion. Motion carried 5-0.**

H. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO INCLUDE THE JOB DESCRIPTION AND RESPONSIBILITIES OF THE CITY MANAGER (1-0343) - Chairperson DePauw introduced this item. In response to a question, Ms. Bruketta read into the record a portion of Carson City Charter Section 3.020, and noted that the Board of Supervisors is charged with delineating the City Manager's duties. She advised there is a job description for the City Manager. In response to a question, Chairperson DePauw advised that the Board of Supervisors was informed of the committee's meeting schedule. In response to a question, Ms. Bruketta and Ms. King indicated that, to date, no other items had been requested to be agendized before the committee.

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Member Platt pointed out the purpose of the charter to provide authorization for elected / appointed positions, and that specific job duties would be delineated elsewhere. Vice Chairperson Allen agreed. Member Suwe noted the specificity, in the charter, of the duties listed for the Clerk and other elected officials. Vice Chairperson Allen noted these duties were specified in the statute and incorporated into the charter. Member Suwe expressed an interest in hearing from Supervisor Livermore with regard to his concerns over this item. Member Platt suggested the probability of the City Manager's responsibilities being periodically revised. Vice Chairperson Allen pointed out that the Clerk, the Treasurer, the Sheriff, and the Assessor are elected officials; the City Manager is appointed by the Board of Supervisors. In response to a comment, Ms. Bruketta advised that appointment of a City Manager is provided at the discretion of the Board of Supervisors. Member Platt expressed hesitation over "cluttering the charter with line items in a job description." Vice Chairperson Allen agreed. **Member Suwe moved to defer this item until such time as Supervisor Livermore could attend a meeting. Member Andreas seconded the motion. Motion carried 5-0.** Ms. Bruketta offered to contact the City Manager and request his attendance at a future meeting. Chairperson DePauw requested to review the City Manager's job description.

I. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO PROHIBIT ORGANIZATIONAL CHANGES WITHIN THE CITY WITHOUT CHARTER REVIEW COMMITTEE APPROVAL (1-0477) - Chairperson DePauw introduced and provided background information on this item. Discussion took place to determine the Board of Supervisors meeting date at which an item was presented by former City Manager Linda Ritter recommending an amendment to the City Charter. Ms. Bruketta suggested researching the Board of Supervisors agendas from August and September of 2006. In response to a comment, she suggested requesting Supervisor Livermore to provide the committee with more information.

Vice Chairperson Allen reiterated that the Board of Supervisors has the prerogative to amend the charter without prior review of this committee. Member Platt noted that this committee is advisory to the Board of Supervisors. Discussion took place regarding the language of the agenda item, and Chairperson DePauw acknowledged that Supervisor Livermore had requested this item. Additional discussion took place regarding the intent of the agenda item, and the powers of the City Manager to make organizational changes. In response to a question, Ms. Bruketta advised she was unaware of any department heads who had expressed an issue with the subject item. Member Suwe expressed "no flavor" for the subject agenda item, but indicated a willingness to hear from Supervisor Livermore. **Member Suwe moved to defer this item until such time as Supervisor Livermore could be present at a meeting. Vice Chairperson Allen seconded the motion. Motion carried 5-0.**

J. FUTURE AGENDA ITEMS (1-0617) - Chairperson DePauw advised she would contact Supervisor Livermore to request his attendance at the next meeting, and his additional clarification of agenda item I. Vice Chairperson Allen suggested the possibility of meeting earlier in the afternoon, and staff agreed to agendaize an item for the next meeting. Member Platt requested more background information on the agenda items. He suggested that, even if he could not be personally present at the meeting, Supervisor Livermore provide a written background for the proposed charter amendments. Following discussion, Member Platt clarified his request for more context associated with the proposed charter amendments.

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K. ACTION ON ADJOURNMENT (1-0747) - Vice Chairperson Allen moved to adjourn the meeting at 6:16 p.m. Member Andreas seconded the motion. Motion carried 5-0.

The Minutes of the March 25, 2008 Carson City Charter Review Committee meeting are so approved this 22nd day of April, 2008.

DONNA DePAUW, Chair

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Minutes of the April 22, 2008 Meeting
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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, April 22, 2008 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ron Allen
Ernie Adler
Joan Andreas
Stephen Lincoln
Steve Platt
Steve Suwe

STAFF: Melanie Bruketta, Chief Deputy District Attorney
Ann Silver, Human Resources Director
Kathleen King, 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 public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER; DETERMINATION OF QUORUM (1-0007) - Chairperson DePauw called the meeting to order at 5:32 p.m. Roll was called; a quorum was present. Member Adler arrived at 5:36 p.m.

B. ACTION ON APPROVAL OF MINUTES - March 25, 2008 (1-0015) - Vice Chairperson Allen moved to approve the minutes, as presented. Member Platt seconded the motion. Motion carried 5-0-1, Member Lincoln abstaining.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0032) - None.

D. REVIEW AND DISCUSSION OF 2006 CHARTER REVIEW COMMITTEE ITEMS (1-0807) - Chairperson DePauw introduced this item and provided an overview of the pertinent agenda materials. She called for questions or comments; however, none were forthcoming.

E. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO PROHIBIT A RELATIVE OF THE BOARD OF SUPERVISORS FROM WORKING IN THE CITY MANAGER'S OFFICE (1-0054) - Chairperson DePauw introduced this item and Mayor Marv Teixeira, Supervisor Pete Livermore, and Ms. Silver. [Member Adler arrived at 5:36 p.m.] Mayor Teixeira expressed the opinion there should be no specific language in the Charter which could be solely confined to the City Manager's Office. He cautioned the committee against attempting to prohibit relatives from working together in any City department or division. He discussed the steps he took, before running for office, to ensure no conflict of interest between former Administrative Assistant Liz Teixeira and former City Manager Linda Ritter. He further advised of having inquired of the Carson City District Attorney and the Nevada Attorney General to ensure the legality and ethics of running for the office of mayor while his wife was employed by the City in the City Manager's Office. He recommended giving no further consideration to the subject agenda item.

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Supervisor Livermore expressed appreciation for Mayor Teixeira's willingness to attend the meeting. He provided background information on the purpose of the subject agenda item. In response to a question, Ms. Silver advised that nepotism is addressed in the state statute as well as in City policy. The Carson City employment application includes questions regarding relatives working in the City, the relationship between the applicant and the City employee, and the department in which the relative is employed. Human Resources personnel determine whether a conflict may exist. If so, the applicant may be referred to another City department. Relatives are not prohibited from working in the same department, as long as they are not within the third degree of consanguinity or in a reporting / supervisory relationship. Ms. Silver advised that 18 percent of the City's employees are related. She noted the difficulty, from a recruitment perspective, of refusing applications based on family relationship. She reiterated the issues considered by Human Resources personnel are the degree of consanguinity and the potential for a supervisory conflict.

Member Suwe suggested there were two separate issues indicated by the discussion. Ms. Silver referred to nepotism considerations in the hiring process. The subject agenda item requests consideration of "no one working in the City Manager's Office that's related to a member of the Board of Supervisors." Member Suwe noted that Mrs. Teixeira was an employee of the City Manager's Office prior to Mayor Teixeira's decision to run for office. Member Suwe expressed an understanding of, and agreement with, the State's nepotism laws. He expressed opposition to an individual being precluded from running for a City office because of a family relationship to a City employee. He advised he didn't "have a flavor for this because somebody has a right to run and somebody has a right to a job." He expressed the opinion that the subject agenda item infringes on personal rights. Ms. Bruketta agreed with Member Suwe's assessment of two separate issues under the discussion. With regard to the Mayor's conduct, she assured the committee members that he had always followed state law and the code of ethics by recusing himself from discussions regarding Mrs. Teixeira whenever appropriate. Discussion ensued, and Member Platt suggested there are adequate protections provided in the state statute, by the Ethics Commission, and by the City's recruitment policies. Chairperson DePauw called for additional comments and, when none were forthcoming, entertained a motion. **Member Lincoln moved to not recommend to the Board of Supervisors an amendment to the charter to prohibit a relative of the Board of Supervisors from working in the City Manager's Office. Vice Chairperson Allen seconded the motion. Motion carried 7-0.**

F. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO INCLUDE THE JOB DESCRIPTION AND RESPONSIBILITIES OF THE CITY MANAGER (1-0312) - Chairperson DePauw introduced and provided background information on this item. Supervisor Livermore provided additional background information, and advised that some of the issues which were relevant prior to Mr. Werner's appointment "no longer seem to be relevant today." He expressed concern over former City Manager Linda Ritter's creation of an internal finance committee which "took away from the Board" and sometimes "acted as an unofficial member of the Board."

In response to a question, Supervisor Livermore described the public interview process associated with Ms. Ritter's appointment as City Manager and the process associated with current City Manager Larry Werner's appointment. Vice Chairperson Allen expressed the belief that the City Charter should not be cluttered with such things as the City Manager's job description. Member Adler suggested that the Board of Supervisors should have a job description for the City Manager which should be periodically reviewed. Supervisor Livermore acknowledged his original intent was to include the City Manager's job description in the charter. In response to a question, Ms. Silver referred to the City Manager's job description, copies

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of which were provided to the committee members. She noted that the document was last revised in 2003, and advised that some members of the Board of Supervisors had suggested revising the job description again. She acknowledged that Human Resources Department staff often review job descriptions, compensation ranges, etc., in order to be competitive in wages and duties. She noted the detail of the current City Manager's job description.

Member Suwe referred to Section 3.020 of the City Charter and read a portion of the same into the record. He noted that the Board of Supervisors has the authority to determine the City Manager's duties. He referred to the City Manager's job description and read a portion of the same into the record. He noted that the City Manager is an at-will employee, who serves at the pleasure of the Board of Supervisors. He expressed the opinion that there is no reason to delineate the City Manager's job description in the City Charter. Vice Chairperson Allen suggested doing so would be "redundant and ... time consuming and non-productive." In response to a comment, Member Suwe reiterated that the Board of Supervisors has the authority to establish the City Manager's duties, "not the Charter Review Committee." **Member Andreas moved to not recommend any amendment to the charter to include the job description and responsibilities of the City Manager. Vice Chairperson Allen seconded the motion.** Member Lincoln agreed with Member Suwe's comments that the authority is provided to the Board of Supervisors. Chairperson DePauw expressed support for recommending to the Board of Supervisors a charter amendment to review the City Manager's job description on a regular basis. In response to a question, Ms. Bruketta advised that the committee could take action under the subject agenda item. In response to a question, Member Andreas declined to amend her motion. Vice Chairperson Allen declined to withdraw his second. Chairperson DePauw called for a vote on the pending motion; **motion carried 5-2.**

G. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO PROHIBIT ORGANIZATIONAL CHANGES WITHIN THE CITY WITHOUT CHARTER REVIEW COMMITTEE APPROVAL (1-0633) - Chairperson DePauw introduced, provided background information on this item, and referred to the pertinent agenda materials provided to the committee members and staff. Supervisor Livermore provided additional background information. Discussion took place with regard to the wording of the agenda item, and Members Platt and Adler expressed support for requiring organizational changes which require a charter amendment to first be reviewed by this committee prior to being submitted to the Board of Supervisors. Ms. Bruketta referred the committee members to Charter Section 1.090, and suggested developing proposed amendment language for review at the next committee meeting. **Member Lincoln so moved. Member Platt seconded the motion. Motion carried 7-0.**

Following discussion, Ms. Bruketta suggested Chairperson DePauw and Member Adler develop language for the agenda item. She reviewed the committee's direction to discuss possibly amending Section 1.090 to include the requirement that any amendments to the Charter be reviewed by this committee prior to being submitted to the Board of Supervisors. The committee members concurred with the proposed language. At Ms. Bruketta's suggestion, **Member Lincoln moved to defer this item to the next meeting. Member Platt seconded the motion. Motion carried 7-0.** The committee members thanked Supervisor Livermore for his attendance and participation.

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H. DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER REVIEW COMMITTEE MEETING TIME (1-0822) - Chairperson DePauw introduced this item. Vice Chairperson Allen reviewed a proposal to change the meeting time to earlier in the day, and discussion followed. No formal action was taken.

I. FUTURE AGENDA ITEMS (1-0903) - Chairperson DePauw noted that item G would be reworded and reagendaized. Discussion took place regarding the tentative May agenda.

J. ACTION ON ADJOURNMENT (1-1022) - Vice Chairperson Allen moved to adjourn the meeting at 6:27 p.m. The motion was seconded and carried unanimously.

The Minutes of the April 22, 2008 Carson City Charter Review Committee meeting are so approved this 20th day of May, 2008.

DONNA DePAUW, Chair

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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, 2008 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ron Allen
Ernie Adler
Stephen Lincoln
Steve Platt

STAFF: Larry Werner, City Manager
Janet Busse, Office Supervisor
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, 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 public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

1. **CALL TO ORDER AND DETERMINATION OF QUORUM (1-0011)** - Chairperson DePauw called the meeting to order at 5:30 p.m. Roll was called; a quorum was present. Members Andreas and Suwe were absent. Chairperson DePauw welcomed Mr. Werner and Ms. Busse.
2. **ACTION ON APPROVAL OF MINUTES - April 22, 2008 (1-0025)** - Member Platt moved to approve the minutes. Member Lincoln seconded the motion. Motion carried 5-0.
3. **PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0030)** - None.
4. **INTRODUCTION OF CITY MANAGER LARRY WERNER AND OFFICE SUPERVISOR JANET BUSSE (1-0038)** - Previously covered.
5. **DISCUSSION AND POSSIBLE ACTION REGARDING DESIGNATED STAFF AND THEIR JOB DUTIES PERTINENT TO THE CHARTER REVIEW COMMITTEE (1-0043)** - Chairperson DePauw introduced and provided background information on this item. Ms. Bruketta advised of having met with Mr. Werner, who agreed to provide staff to the committee. Mr. Werner reviewed the responsibilities of the City Manager's Office staff, pertinent to the committee, to prepare meeting agendas and ensure posting in accordance with the provisions of the Nevada Open Meeting Law. In response to a comment, he clarified that the City Manager's staff would serve the committee as an entity not the members as individuals. In response to a question, Ms. Bruketta advised she would continue to conduct legal research, as requested by the committee. In response to a question, Mr. Werner advised that Ms. Busse would serve as the staff contact person. No formal action was taken.
6. **DISCUSSION AND POSSIBLE ACTION TO AMEND CHARTER REVIEW COMMITTEE BYLAWS TO INCLUDE CITY STAFF (1-0143)** - Chairperson DePauw introduced this item. Based on Mr. Werner's comments under the previous item, Vice Chairperson Allen expressed reluctance to amend the bylaws. Mr. Werner expressed a preference to gain an understanding of the required level of staff involvement through the remainder of the scheduled meetings. He suggested letting "it play out this year and see how it works out." Consensus of the committee was to not amend the bylaws.

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7. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 1.090 OF THE CARSON CITY CHARTER TO REQUIRE AMENDMENTS TO THE CHARTER TO BE REVIEWED BY THE CHARTER REVIEW COMMITTEE PRIOR TO REVIEW BY THE CARSON CITY BOARD OF SUPERVISORS (1-0174) - Chairperson DePauw introduced and provided background information on this item. Member Adler expressed a preference for the committee to review proposed amendments prior to the Board of Supervisors. Chairperson DePauw agreed. Member Adler noted the need for Board of Supervisors flexibility in terms of necessary revisions to bill drafts submitted to the legislature. Discussion followed, and **Member Adler moved to recommend to the Board of Supervisors an amendment to the charter requiring proposed amendments to the charter to be reviewed by the Charter Review Committee prior to being submitted to the Board of Supervisors. Member Lincoln seconded the motion. Motion carried 5-0.**

8. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO REQUIRE ALL ELECTED OFFICIALS TO BE RESIDENTS AND REGISTERED VOTERS IN CARSON CITY (1-0284) - Chairperson DePauw introduced and provided background information on this item. Ms. Bruketta read into the record a portion of NRS 293.1755. She advised that the District Attorney is the only elected official to whom the statutory provisions don't apply. She advised that a constitutional amendment would be needed to require elected officials to be registered voters. Discussion followed, and **Vice Chairperson Allen moved to not recommend to the Board of Supervisors an amendment to the charter to require all elected officials to be residents and registered voters of Carson City. Member Platt seconded the motion. Motion carried 5-0.**

9. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO ELIMINATE THE MAYORAL POSITION AND HAVE FIVE COUNTY SUPERVISORS and 10. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO CHANGE WARDS TO REFLECT FIVE COUNTY SUPERVISORS (1-0370) - Chairperson DePauw introduced this item. Member Platt suggested combining items 9 and 10, and Chairperson DePauw introduced item 10. Vice Chairperson Allen inquired as to the origin and purpose of this agenda item. Chairperson DePauw advised of having received input regarding the importance of "a fair ... playing field and the egos stay out of it and it allows the Board to select their own mayor and the other item was because there was some troublesome issues that happened with our mayor within this term." Member Adler explained how the mechanism of five separate wards would "cut down the cost of campaigning;" every ward would have its own supervisor. Vice Chairperson Allen suggested the proposal would "require a whole bunch of other changes." Discussion followed, and Ms. Bruketta pointed out that the voters would not have a voice in selecting the mayor. Ms. Bruketta advised that Clerk-Recorder Alan Glover anticipates redistricting will take place in 2011 following the census. **Member Platt moved to not recommend to the Board of Supervisors an amendment to the charter to eliminate the mayoral position and have five county supervisors; and to not recommend to the Board of Supervisors a charter amendment to change the wards to reflect five county supervisors. Vice Chairperson Allen seconded the motion. Motion carried 5-0.**

11. DISCUSSION AND POSSIBLE ACTION ON A DATE FOR A JOINT MEETING WITH THE BOARD OF SUPERVISORS AND THE CHARTER REVIEW COMMITTEE (1-0458) - Chairperson DePauw introduced this item. In response to a question, she indicated uncertainty as to whether the June committee meeting would go forward. Discussion followed, and **Member Lincoln**

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4-3(C) ACTION TO APPROVE A RESOLUTION AMENDING THE INTERLOCAL CONTRACT APPROVED BY THE BOARD OF SUPERVISORS, PURSUANT TO RESOLUTION NO. 2007-R-17, TO PROVIDE FOR AN EXPIRATION DATE EXTENSION TO JUNE 30, 2009, WITH THE CARSON WATER SUBCONSERVANCY DISTRICT FOR \$80,000 IN GRANT FUNDS FOR VARIOUS SITE IMPROVEMENTS AT CARSON CITY'S MORGAN MILL ROAD RIVER ACCESS AREA (8:55:21) - Supervisor Aldean noted a correction to the termination date of the contract; that it should read June 30, 2009 instead of June 30, 2008. Mr. Moellendorf clarified that the interlocal contract was original from 2007, and that the addendum, Exhibit B, extends the contract to terminate on June 30, 2009.

Mayor Teixeira entertained a motion. **Supervisor Livermore moved to approve Resolution No. 2008-R-37, a resolution amending the interlocal contract approved by the Board of Supervisors pursuant to Resolution No. 2007-R-17, to provide for an expiration date extension to June 30, 2009, with the Carson Water Subconservancy District for \$80,000 in grant funds for various site improvements at Carson City's Morgan Mill Road River access area. Supervisor Williamson seconded the motion. Motion carried 5-0.**

4-3(D) ACTION TO APPROVE A GRANT OF EASEMENT OPTION FOR PUBLIC TRAIL BETWEEN ALPHA HOMES, LLC AND CARSON CITY; CONTAINING 21,908 SQUARE FEET ± FROM APN 10-191-21; AND AUTHORIZE THE MAYOR TO SIGN THE GRANT OF EASEMENT OPTION DOCUMENT

4-4. TREASURER

4-4(A) ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF TAXES TO THE 2007/2008 REAL PROPERTY TAX ROLL ON PARCELS 10-457-13; 3-033-10; 9-322-17; 9-758-13; 9-501-02; 8-798-11; 8-031-06; 8-093-05 DUE TO DONATION OF VETERAN'S EXEMPTION TO THE VETERAN'S HOME

4-4(B) PRESENTATION OF SECURITIES LENDING CONTRACT FOR RATIFICATION - Withdrawn

4-5. CITY MANAGER - ACTION TO APPOINT BERNARD SEASE, KARIN MRACEK, DANIEL BERGER, ANNE KEAST, AND TINA PETERSEN, TO FILL THE POSITIONS ON THE 911 SURCHARGE ADVISORY COMMITTEE WITH TINA PETERSEN SPECIFICALLY FILLING THE POSITION AS "REPRESENTATIVE OF AN INCUMBENT LOCAL EXCHANGE CARRIER WHICH PROVIDES SERVICE TO PERSONS IN CARSON CITY," AND ESTABLISHING THEIR INITIAL TERMS. THE APPOINTMENTS ARE INITIALLY STAGGERED, THREE TERMS OF THE APPOINTED MEMBERS TO END ON DECEMBER 31, 2009 AND TWO TERMS OF THE APPOINTED MEMBERS TO END ON DECEMBER 31, 2008

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

JOINT MEETING WITH THE CARSON CITY CHARTER REVIEW COMMITTEE

CALL TO ORDER AND ROLL CALL OF THE CHARTER REVIEW COMMITTEE (8:57:45) - Mayor Teixeira invited the Charter Review Committee members to the meeting table. The Charter Review Committee ("CRC") roll was called; a quorum was not present. At Mayor Teixeira's request, the

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committee members introduced themselves for the record. The CRC members present included Chairperson Donna DePauw and Members Ernie Adler, Stephen Lincoln, and Steve Suwe.

5. CHARTER REVIEW COMMITTEE

5(A) STATUS REPORT AND BRIEFING ON THE WORK OF THE CHARTER REVIEW COMMITTEE (9:00:34) - CRC Chairperson DePauw thanked the committee members and City staff, and referred to the minutes included in the agenda materials. She solicited input of the Board of Supervisors; however, none was forthcoming. Mayor Teixeira advised of having testified before the CRC.

5(B) ACTION TO ADOPT A RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THEY AMEND THE CARSON CITY CHARTER, SECTION 1.090, TO REQUIRE AMENDMENTS TO THE CHARTER TO BE REVIEWED BY THE CHARTER REVIEW COMMITTEE PRIOR TO REVIEW BY THE CARSON CITY BOARD OF SUPERVISORS (9:02:16) - CRC Chairperson DePauw introduced and provided background information on this item. She acknowledged the recommendation was forwarded to the Board of Supervisors by unanimous vote of the CRC. Member Lincoln provided additional background information. Chairperson DePauw acknowledged the committee's request to review proposed charter amendments prior to said amendments being forwarded to the legislature. Member Adler expressed the opinion that "it's just proper procedure for the Charter Review Committee to have the first shot at any items that are going to be sent by the Supervisors to the legislature." He acknowledged the request was pertinent only to issues affecting the Carson City Charter.

Supervisor Aldean requested specific information as to the origin of the recommendation. Chairperson DePauw advised of an item presented to the Board of Supervisors by the former City Manager regarding the number of appointees the Sheriff is authorized to deputize. She advised that the CRC members were not notified of the proposed amendment, and expressed concern. Supervisor Aldean reviewed the provisions of Carson City Charter Section 1.090.

Supervisor Livermore provided additional background information on the item presented by the former City Manager. He displayed a copy of the current City charter, and invited any interested citizen to review the same via Internet. Supervisor Williamson thanked the CRC for their hard work. She advised that the legislature had restricted Carson City to one bill draft request, and expressed reluctance to forward the recommendation as the City's number one priority. She suggested enacting the recommendation via ordinance or resolution, rather than using the City's sole bill draft request. Mayor Teixeira agreed, and suggested requesting one of the legislators to submit the bill draft request. Discussion followed, and Mayor Teixeira entertained a motion.

Supervisor Williamson moved to adopt a recommendation from the Charter Review Committee to recommend to the Nevada State Legislature that they amend the Carson City Charter, Section 1.090, to require amendments to the charter to be reviewed by the Charter Review Committee prior to review by the Carson City Board of Supervisors. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Teixeira thanked the committee members for their service to the community. Supervisor Aldean discussed her former CRC service, and expressed appreciation for the committee members understanding the importance of not cluttering the charter with unnecessary amendments. Chairperson DePauw encouraged the Board of Supervisors' review of the committee's minutes.

ACTION TO ADJOURN THE CHARTER REVIEW COMMITTEE (9:14:28) - The meeting adjourned by mutual consent of the CRC members.

2010 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
May 25, 2010	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.	Action was taken not to recommend the amendment due to the fact it can be taken care of by the Board of Supervisors. Motion carried 5-2
May 25, 2010	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.	Action was taken not to recommend the amendment but to request the Board of Supervisors to strongly express that Carson City should try and be, as much as practical, put into one assembly district. Motion carried 7-0
May 25, 2010	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.	Action was taken to remove this item. Motion carried 7-0 <i>Note: The person who submitted this amendment requested to withdraw this item from consideration.</i>
May 25, 2010	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.	Action was taken not to recommend a Charter amendment as the Board of Supervisors has the necessary authority to enact a noise ordinance. Motion carried 4-3 Note: CRC recommends the BOS enact a noise ordinance “so this item is not revisited by the committee two years from now.”
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding any subsidizing of sewer and water hookups be put to a vote of the people.	Action was taken to remove this item. Motion carried 7-0 <i>Note: The person who submitted this amendment requested to withdraw this item from consideration.</i>
May 25, 2010	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 a vote of the people.	Action was taken not to recommend the amendment to the Board of Supervisors because of the current constitutional structure. Motion carried 7-0

May 25, 2010	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.	Action was taken not to recommend the amendment to the Board of Supervisors because adequate authority exists under the current Charter. Motion carried 7-0
May 25, 2010	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.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 7-0
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter requiring mandatory garbage service for Carson City residents.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 7-0
May 25, 2010	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.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 7-0
May 25, 2010		Action was taken to continue this item to the next meeting and bring forth more information, specific encumbrances, examples from other counties and charters. Motion carried 7-0
June 29, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 5-1 Note: Chairperson DePauw requested staff make the Board aware of the concerns expressed. (Attached is the excerpt from the May 25, 2010 CRC meeting. A copy of the excerpt from the June 29, 2010 CRC meeting will be provided to the Board when it is completed.)
June 29, 2010	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.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 5-1

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the March 30, 2010 Meeting
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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, March 30, 2010 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ernie Adler
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
Kathleen King, 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 (1-0007) - Chairperson DePauw called the meeting to order at 5:31 p.m. Roll was called; a quorum was present. Vice Chairperson Allen was absent.

3. ADOPTION OF AGENDA (1-0017) - Mr. Werner explained the effort to attain standard governance with all of the Board of Supervisors' advisory boards, commissions, and committees. He provided background information on the method by which agendas are developed, and the purpose of this item. In response to a question, he explained that any committee member or citizen can request to agendize an item through the City Manager's Office. A draft agenda will be reviewed by the committee chair prior to being published. Following a brief discussion, **Member Adler moved to approve the agenda. Member MacKenzie seconded the motion. Motion carried 6-0.**

4. PUBLIC COMMENTS AND DISCUSSION (1-0088) - None.

5. INTRODUCTION OF MEMBERS (1-0101) - At Chairperson DePauw's request, the committee members introduced themselves and named the elected official by whom they were appointed.

6. DISCUSSION AND ACTION TO SELECT A CHAIR AND VICE CHAIR (1-0160) - Chairperson DePauw entertained nominations for chair. Member Lincoln nominated Donna DePauw as chair and moved to close nominations. Chairperson DePauw called for additional nominations and, when none were forthcoming, a vote on the pending nomination. Nomination carried 6-0. Chairperson-elect DePauw entertained nominations for vice chair. Member Lincoln nominated Ernie Adler. Member MacKenzie seconded the nomination. Chairperson DePauw called for additional nominations and, when none were forthcoming, a vote on the pending nomination. Nomination carried 6-0.

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7. REVIEW AND DISCUSSION OF THE NEVADA OPEN MEETING LAW (1-0191) - Ms. Bruketta referred to District Attorney Neil Rombardo's Open Meeting Law presentation which was held earlier in the afternoon. Ms. Bruketta referred the committee members to the Nevada Attorney General's website for the Open Meeting Law handbook. She emphasized the importance of sticking to the agenda and avoiding e-mail and serial communications among committee members. She cautioned the committee members against using e-mail or the telephone to discuss any committee matter. She offered to be available by telephone to answer committee member questions.

Mr. Werner advised that the City Manager's staff serves this committee. In consideration of replying to e-mail communication from the City Manager's or District Attorney's offices, he cautioned the committee members against replying to all the addresses on the e-mail distribution list. He and Ms. Bruketta responded to questions of clarification relative to committee member questions of City staff. Mr. Werner further cautioned the committee members that all committee business is a matter of public record. In response to a question, Ms. Bruketta advised the committee members to contact the City Manager's Office with agenda items. Mr. Werner cautioned against committee deliberation following public comment.

8. REVIEW AND DISCUSSION ON THE PROCESS FOR THE CHARTER REVIEW COMMITTEE (1-0355) - Mr. Werner provided background information on the purpose of this item, and proposed a community advertising campaign to solicit agenda items for consideration. He advised of a recent presentation, by City officials, to the Legislature as consideration is being given to "more charter cities and ... counties." He suggested soliciting community input over a thirty-day period, and scheduling the next committee meeting for May 25th. Discussion followed, and Mr. Werner advised that the City will, once again, have only one bill draft request to submit to the Legislature. In response to a question, he explained the process for submitting the committee's recommendations to the Board of Supervisors; from the Board of Supervisors to the Legislature. Member Lincoln advised of the committee's joint meeting with the Board of Supervisors to present recommendations.

In response to a question, Mr. Werner requested the committee members to begin providing items for discussion at future committee meetings. He and Ms. Bruketta responded to questions regarding time lines associated with agenda preparation and distribution. In response to a further question, Mr. Werner reiterated direction for the committee members to contact the City Manager's Office with agenda items. City Manager's staff will, in turn, contact the chair and the draft agenda will be sent to the committee members prior to publication. In response to a question, Ms. Busse advised that posting the agenda five days in advance of the meeting is ideal.

In response to a question, Ms. Busse referred to the 2008 Charter Review Committee table of actions which was included in the agenda materials. In response to a comment, Ms. King explained the process for retaining the committee's meeting minutes as part of the official record. In response to a question, Ms. Bruketta advised that the committee is comprised of nine members; five members constitute a quorum. Chairperson DePauw discussed the importance of committee members' faithful attendance at meetings. In response to a question, Ms. King advised that committee meetings are scheduled on the last Tuesday of each month, beginning in March and ending in June.

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9. ACTION TO ADJOURN (1-0790) - Member MacKenzie moved to adjourn the meeting at 6:15 p.m. Member Lincoln seconded the motion. Motion carried 6-0.

The Minutes of the March 30, 2010 Carson City Charter Review Committee meeting are so approved this 20th day of May, 2010.

DONNA DePAUW, Chair

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the May 25, 2010 Meeting
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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. Ms. 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.**

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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 A VOTE OF THE PEOPLE (1-1175) - Chairperson DePauw introduced the item. Ron Moe discussed the purpose for requesting this item be amended. 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 a 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. Mr. Werner advised that this is not a Charter issue and that the request should be forwarded to the Board of Supervisors. Discussion ensued.

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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 comments and, when none were forthcoming, a motion. **Member Lincoln moved to continue this item to the next meeting “and bring forth more information, specific encumbrances, 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 increases. 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 29th day of June, 2010.

DONNA DePAUW, Chair

CARSON CITY CHARTER REVIEW COMMITTEE
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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, June 29, 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 Gail Parsons
 Member Bruce Robertson

STAFF: Larry Werner, City Manager
 Kristin Luis, Senior Deputy District Attorney
 Janet Busse, City Manager's Office Supervisor
 Deborah Gottschalk, Recording Secretary
 Transcribed by: Recording Secretary Kathleen King

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 (1-0008) - Chairperson DePauw called the meeting to order at 5:30 p.m. Roll was called; a quorum was present. Member MacKenzie was absent.

3. ACTION ON APPROVAL OF MINUTES - May 25, 2010 (1-0018) - Member Lincoln moved to approve the minutes, as presented. Member Allen seconded the motion. Motion carried 6-0.

4. ADOPTION OF AGENDA (1-0027) - Chairperson DePauw entertained requests to modify the agenda and, when none were forthcoming, deemed it adopted.

5. PUBLIC COMMENTS AND DISCUSSION (1-0038) - None.

6. AGENDA ITEMS:

6-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 (1-0056) - Chairperson DePauw introduced this item, and provided an overview of the agenda materials. Mr. Werner provided background information and reviewed the agenda report, noting staff's recommendation not to recommend a Charter amendment. Chairperson DePauw provided additional background information, noting a request by former Chief Deputy District Attorney Melanie Bruketta for examples of similar provisions from other charter cities.

(1-0095) Sierra Nevada Association of Realtors Government Affairs Director Sara Ellis advised of having been requested "on repeated occasions by Carson City leadership to come up with proactive strategies to assist the real estate community ..." She described the proposed amendment as an opportunity, through the Charter, for Carson City to make a declarative, proactive statement that "it is not the interest of Carson City

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to engage ... in interfering with escrows in any way.” She clarified the purpose of the proposed amendment is not to eliminate the City’s ability to “lien or collect back taxes.” In reference to the June 15, 2010 letter included in the agenda materials, she discussed concerns relative to “regulations ... that have been put forth by the Nevada Legislature that would have been an example of an interference in the escrow process.”

Ms. Ellis advised of having reviewed all Nevada city charters “to look [for] ... other examples of prohibitions of any kind.” She described the proposed amendment as “prohibitive language,” and advised that the only other prohibitive language is found in Section 2.272. She advised of having been unable to find any example in any other charter. She suggested that Carson City could be the first chartered city to “make this kind of declaration” about escrow encumbrances. She reiterated the opportunity for a proactive solution in that Carson City will not “be engaged in this regulatory process when it comes to escrows, except for taxes and liens.” She emphasized no intent to interfere with any existing authority.

Mr. Werner reiterated the request for examples of escrow encumbrances, and expressed concern that the proposed amendment would “try to prevent something that isn’t occurring.” Member Lincoln noted the freedoms and liberties associated with private property rights, and expressed concern over not being able to “exercise those because of something that’s in the way.” Discussion ensued, and Ms. Ellis read into the record the language of Section 2.272, Franchises for the provision of telecommunication service, as an example of prohibitive language. Mr. Werner advised that the section was required to be included by state law, and responded to questions of clarification.

Ms. Ellis reiterated the request by City supervisors for the Sierra Nevada Association of Realtors to present solutions, and advised of having considered the proposed amendment as “an opportunity for a solution.” She suggested that Charter Section 2.272 represents precedent language. Member Allen suggested the Board of Supervisors could pass an ordinance relative to prohibiting escrow encumbrances without amending the Charter. He expressed concern over “ty[ing] up the Charter with ... things of this nature,” and described the Charter as “a foundation” from which the City builds its municipal code. Member Lincoln suggested that presenting this concern to the Board of Supervisors at the joint meeting would provide an opportunity for their consideration.

Vice Chairperson Adler advised that the legislature generally prefers to take action on matters such as real estate and encumbrances “with a statewide law affecting all the counties equally.” He expressed doubt that the legislature would “sign off” on closings in Carson City that are different from those in other Nevada counties. “They’d want to have it consistent among all the counties.” Ms. Ellis suggested that the proposed amendment would accomplish prohibiting the Board of Supervisors from passing ordinances relative to encumbering escrows. Vice Chairperson Adler explained the process for the Charter Review Committee to recommend the amendment to the Board of Supervisors which, in turn, forwards the proposed amendment to the legislature in the form of a bill draft. In response to a comment, he explained that unless the legislature considered the prohibition as proper and beneficial for the whole state, the bill would be killed. Ms. Ellis requested the committee to forward the recommendation to the Board of Supervisors for consideration, without considering “what the legislature may or may not do.” Chairperson DePauw explained the committee’s advisory responsibility to the Board of Supervisors.

Chairperson DePauw entertained additional questions or comments; however, none were forthcoming. Ms. Ellis noted there was only one example of an escrow encumbrance listed in the June 15, 2010 letter included in the agenda materials. She advised of examples in California, but clarified they were from local

Minutes of the June 29, 2010 Meeting

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ordinances and not city charters. Member Allen reiterated the recommendation for the Board of Supervisors to consider an ordinance, but not a Charter amendment. Ms. Ellis reiterated that the Charter amendment "would prevent the ordinance from ever being considered which is what we're asking for." Discussion took place regarding examples of escrow encumbrances, and Vice Chairperson Adler explained the differences between charter law and general law cities. Additional discussion followed.

Chairperson DePauw entertained a motion. Member Lincoln moved to recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances. Motion died for lack of a second. Chairperson DePauw entertained a motion. **Member Parsons moved to not recommend to the Board of Supervisors an amendment to the Charter regarding language that protects escrows from encumbrances. Member Allen seconded the motion. Motion carried 5-1.** Chairperson DePauw requested Mr. Werner and Ms. Busse to communicate the concerns expressed to the Board of Supervisors. Discussion ensued, and Mr. Werner expressed the opinion that the legislature would have to authorize an ordinance prohibiting escrow encumbrances.

6-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 (1-0497) - Chairperson DePauw introduced and provided background information on this item. Vice Chairperson Adler provided historic information on the last grand jury impaneled in Carson City, and expressed no enthusiasm for the idea in consideration of the cost / benefit. Member Allen noted that a grand jury can always be impaneled for the purposes of specific investigation. "Otherwise, if you just automatically schedule one for every two years or four years ... they're going to meet because that's what they're supposed to do. What happens? They're going to spend a lot of time and a lot of money and possibly nothing will come out of it." Vice Chairperson Adler expressed a preference for "a little bit more focus." Chairperson DePauw noted that a grand jury is comprised of "the people of this community, who are interested and involved and want to know what's going on." She expressed the opinion "this ... keeps everybody on their toes in relationship to the residents within the community." She expressed the further opinion, "There's a lot of things that can be discussed," and advised of having been informed that approximately \$10,000 a year would have to be set aside to fund the cost of the grand jury. Mr. Werner advised that the cost associated with the last grand jury, impaneled in 1998, was approximately \$40,000. Chairperson DePauw provided an overview of Parks and Recreation Commission discussion, which came out of the last grand jury, relative to residential construction tax. She advised of a list of nine items for consideration by a grand jury, "besides the City's functions."

Discussion followed and, in response to a question, Vice Chairperson Adler explained the purpose of grand juries which are retained indefinitely. "They're generally used for counties where you have a lot of crime and it's easier to indict people for crimes. ... They usually aren't investigating things like parks ... It's usually murder, sometimes organized crime activities where you don't want to do a preliminary hearing and reveal all your evidence." Vice Chairperson Adler expressed the opinion that grand juries are inappropriate for "investigating things like parks because they're all done in private. And with some issue like that, it should be done in public and ... before the Board where the whole community can find out what's being discussed ..." He expressed opposition to investigating civil matters in private, and explained the provisions of Nevada's grand jury law which prohibits revealing any information unless an indictment is issued.

Chairperson DePauw entertained additional questions or comments and, when none were forthcoming, a motion. **Member Robertson moved to not recommend to the Board of Supervisors an amendment to the Charter requiring that a grand jury be impaneled at least once every four years. Member Allen seconded the motion. Motion carried 5-1.** In response to a question, Chairperson DePauw reviewed her list of grand jury items, as follows: the redevelopment audit “on the projects and over the expenditures of the money;” Question #18 funding; transition of the hospital from public to private; airport development of the new master plan; conversion of Eagle Valley Golf Course; the V&T expenditures “to see if everything is going as it should because of that 1/8 of a cent sales tax;” “why we’re still paying five cents for this freeway.” A brief discussion followed.

6-C. DISCUSSION AND POSSIBLE ACTION ON A DATE FOR A JOINT MEETING WITH THE BOARD OF SUPERVISORS AND THE CHARTER REVIEW COMMITTEE (1-0791) - Chairperson DePauw introduced this item. Ms. Busse acknowledged the next available Board of Supervisors meeting as July 15th. A brief discussion ensued, and Chairperson DePauw entertained a motion. **Member Lincoln moved to agendize the joint meeting with the Board of Supervisors and the Charter Review Committee for July 15, 2010. Vice Chairperson Adler seconded the motion. Motion carried 6-0.** Discussion took place regarding the time for the joint meeting, and Ms. Busse advised that the Board of Supervisors agenda will be finalized by July 8.

7. ACTION TO ADJOURN (1-0916) - Member Allen moved to adjourn the meeting. Member Lincoln seconded the motion. Motion carried 6-0.

The Minutes of the June 29, 2010 Carson City Charter Review Committee are respectfully submitted this 15th day of July, 2010.

ALAN GLOVER, Clerk - Recorder

By: 

KATHLEEN KING, Deputy Clerk /
Recording Secretary

CARSON CITY BOARD OF SUPERVISORS
Minutes of the July 15, 2010 Meeting
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In response to a question, Mr. Shirk discussed the importance of the Planning Commission carrying out the community's vision, "not [his] personal vision." He expressed support for the "small town feel of this community," and discussed the importance of balanced growth. He expressed the opinion that the master plan "dictates everything." In response to a further question, he discussed the importance of the entire commission making decisions.

Mayor Crowell discussed the value the Board places on the recommendations of the advisory committees. Mr. Shirk agreed.

Mayor Crowell advised that one of the three available positions was to fill an unexpired term for a period of two years. A brief discussion ensued. Mayor Crowell noted Edwin James' application, and that he was unable to participate in the interview process. The Board members discussed the applicants' experience and qualifications. **Supervisor Williamson moved to reappoint Mark Kimbrough for a four-year term. Supervisor Walt seconded the motion. Motion carried 5-0.**

Mayor Crowell entertained a motion. **Supervisor Aldean moved to appoint Jim Shirk to the Carson City Planning Commission for a four-year term, ending June 2014. Supervisor Walt seconded the motion. Motion carried 5-0. Supervisor Walt moved to appoint Daniel Heath to a two-year term, ending June 2012. Supervisor Williamson seconded the motion. Motion carried 5-0.** The Board members congratulated the appointees, and Mayor Crowell recessed the meeting at 10:43 a.m.

20. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (11:22:12) - Supervisor Williamson advised of Storey County Commissioner John Flanagan's passing earlier in the week. She commended his community service and expressed appreciation for his friendship. Supervisor Livermore advised that Mayor Crowell threw the first pitch of the Little League Tournament on Wednesday, July 7th. He encouraged public participation in the tournament. Supervisor Walt advised that discussion of the room tax increase would be agendized for the Convention and Visitors Bureau lodging facilities meeting on Tuesday, July 20th.

STAFF COMMENTS AND STATUS REPORTS - None.

RECESS BOARD OF SUPERVISORS (11:25:25) - Mayor Crowell recessed the Board of Supervisors meeting at 11:25 a.m.

JOINT MEETING WITH THE CARSON CITY CHARTER REVIEW COMMITTEE

21. CALL TO ORDER AND ROLL CALL - CHARTER REVIEW COMMITTEE (1:29:37) - Mayor Crowell reconvened the Board of Supervisors at 1:30 p.m. All the Board members were present, constituting a quorum. Chairperson DePauw called the Charter Review Committee to order. Roll was called; a quorum of the committee was not present.

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22. CHARTER REVIEW COMMITTEE - STATUS REPORT AND BRIEFING ON THE WORK OF THE CHARTER REVIEW COMMITTEE (1:31:05) - Mayor Crowell thanked Chairperson DePauw and the Charter Review Committee. Mayor Crowell provided background information on the charter review process presented to the State Legislature by himself and Mr. Werner. Chairperson DePauw thanked "all the elected officials who placed such wonderful members on the [committee] this year." She thanked City staff for their assistance, and expressed appreciation for the information published by the City Manager's Office, both on the City's website and in the *Nevada Appeal*.

Chairperson DePauw provided an overview of this year's charter review process, and referred to the table of committee actions included in the agenda materials. Mayor Crowell entertained questions or comments. Supervisor Aldean advised of having previously served on the Charter Review Committee with both Chairperson DePauw and Member Parsons. In response to a question, Member Parsons provided background information on the recommendation to have Carson City in one assembly district. Relative to the Sierra Nevada Association of Realtors recommendation to prohibit utilizing escrows to impose certain restrictions, Supervisor Aldean acknowledged the potential threat. She explained that "in the Tahoe Basin they are attempting to use point of sale with respect to the completion of best management practices on properties. They're also now attempting to use it as a way of retrofitting wood burning stoves." She clarified that local government has not used the point of sale, but regional governments have. In response to a question, Mr. Werner provided clarification relative to the Board of Supervisors' purview over bike paths and pedestrian improvement walkways. In response to a further question, he provided clarification of the Board of Supervisors' purview over the committee's recommendations. Discussion followed.

In response to a question, Member Lincoln provided background information on the Sierra Nevada Association of Realtors' recommendation to prohibit utilizing escrows to impose certain restrictions on the sale of property. He expressed concern over escrows being held up because of "escrow companies, for the real estate sales people to be the policemen for local ordinances. Because if something's bad, it's bad for everybody; ... not just bad for a seller of a home." In response to a question, Mr. Werner advised that the Board should avoid passing an ordinance requiring a certain action during escrow. "You would have to pass an ordinance that would require the kinds of concerns that Steve's concerned about; that staff would have to implement, because we don't have the authority to do anything on the close of escrow now." Supervisor Aldean noted the Sierra Nevada Association of Realtors' request constituted pre-emptive action. Discussion followed, and Mayor Crowell agreed that the City shouldn't be enforcing zoning or other ordinances through private transactions at escrow. He expressed understanding for the concern.

Supervisor Williamson provided background information on research being conducted into charter cities by legislators, and commended the committee.

Supervisor Livermore expressed support for the recommendation to impanel a grand jury every four years, and discussion followed. Mr. Werner provided historic information on grand juries in Carson City and adjacent counties, including associated costs. At Supervisor Livermore's request, Chairperson DePauw provided an overview of the committee's discussion regarding the recommendation to impanel a grand jury on a regular basis. She discussed her support of the recommendation, and provided the example of a previous grand jury issue relative to residential construction tax allocation. Mayor Crowell provided an overview of the statutory provisions pertinent to impaneling a grand jury. Supervisor Aldean discussed the

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resources available through the City, its elected officials, and appointed representatives. She suggested “the problem is people get angry but they don’t engage.” She expressed philosophical understanding for the recommendation, but suggested there are simpler, less expensive ways for citizens to get answers.

Mayor Crowell agreed with considering the issue of redistricting. Discussion took place regarding the recommendation to amend the charter relative to noise abatement. Mayor Crowell entertained public comment. (2:02:38) Steve Waclo expressed appreciation to the Board of Supervisors for guiding the City through these difficult times. He read a prepared statement into the record, copies of which were provided to the recording secretary. He advised of having reviewed CCMC 10.30.010(3) relative to motorcycles; and read the definition of “muffler” into the record. He reviewed the Code provisions associated with a muffler, and expressed the belief that “one of the most egregious offenders [is] inconsiderate operators of very noisy motorcycles.” He suggested the District Attorney and the Sheriff may wish to review the Code provisions, and that “enforcement is the next step.” He discussed steps taken by the American Motorcyclists Association to craft proposed ordinances, and described requirements in Denver, Colorado for EPA-approved exhaust systems. Discussion took place regarding the Denver ordinance. Mr. Waclo acknowledged the recommendation to enforce CCMC 10.30.120. Additional discussion took place regarding prohibiting the use of engine brakes.

Based on the discussion at the Charter Review Committee meeting, Mr. Werner advised of having met with Sheriff Furlong and Code Enforcement Division staff. In reference to the Code section relative to excessive noise and the statutory prohibition against disturbance of the peace, he advised “we have a lot of ability to actually enforce.” He suggested that once the specific issues are determined, “we might be able to do a lot more enforcement ... without ... having to rewrite ordinances.” He advised that language has recently been added to special events permits relative to noise. He reiterated that the mechanisms are in place to make addressing the issues more of a priority. Supervisor Williamson discussed the importance of enforcement, and Mr. Werner strongly suggested not imposing a decibel level.

In response to a question, Chairperson DePauw noted there were no recommendations for charter amendments. She requested the Board to review the committee’s actions.

Mayor Crowell entertained additional public comment. (2:18:35) Donna Curtis introduced herself for the record. She discussed benefits of a regularly impaneled grand jury. She discussed her request for mandatory garbage service, and noted Vice Chairperson Adler’s suggestion, during committee discussion, to allow residents to opt out. She acknowledged that mandatory recycling should be considered as well. Chairperson DePauw discussed illegal dumping in the Carson River area. Supervisor Livermore advised of having extensively discussed this matter with Ms. Curtis, and noted the various reasons residents may not wish to use garbage service. He expressed opposition to mandatory garbage service. In response to a question, Mr. Werner advised that approximately 60 percent of Carson City residents use the garbage service, and acknowledged that costs per person would theoretically be reduced with mandatory garbage service. Supervisor Aldean suggested considering the fiscal impacts of mandatory garbage service. In reference to the recent presentation by Recology, Mr. Werner suggested waiting until additional costs are known. Discussion followed. Mayor Crowell entertained additional discussion; however, none was forthcoming.

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23. ACTION TO ADJOURN THE CARSON CITY CHARTER REVIEW COMMITTEE (2:28:26) - As a quorum of the committee was not present, the meeting adjourned by mutual consent at 2:28 p.m.

24. ACTION TO ADJOURN THE BOARD OF SUPERVISORS (2:28:38) - Supervisor Livermore moved to adjourn the Board of Supervisors at 2:28 p.m. Supervisor Aldean seconded the motion. Motion carried 5-0.

The Minutes of the July 15, 2010 Carson City Board of Supervisors meeting are so approved this 19th day of August, 2010.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder

Ande Engleman

1. A ballot question as whether election primaries should be by ward. This was an issue in the last session of the Legislature and will be back in 2013.
2. City Manager and all appointed staff should live in Carson City. At present, many live in Douglas County. They do not pay the taxes they urge on us and take our money out of the county.
3. Carson's ethics ordinance (2.34) is weak and not enforced. It should be updated and require disclosure from all Carson elected officials as to all their business connections so that conflicts may be judged by the public.
4. Appointments to the Committee should be that and not nominations. The City should not be controlling citizen committees. Supervisors should not be chairman or vice chairman of citizen committees.
5. A ballot question to require the City Manager and Assistant City Manager to live in Carson City.

Amy Clemens

6. I would like to see it mandatory for the City Manager to reside in Carson City. If the manager is recommending an increase in property tax, he/she should be paying those taxes as well.
7. I would also like for the ability to pay for our state medicaid/medicare debt come from something other than an additional fee to the utilities. So many people can barely keep the light/heat on as it is, how can they be expected to pay more?

Dennis Johnson

8. All senior management staff must live within Carson City limits within 30 days of appointment and for the duration of their employment. If they have the power to influence or increase taxes, they must have to pay them like residents.
9. City Ethics Code must be updated and adhered to with strict enforcement guidelines.
10. There must be open negotiations for public employees and behind the scenes negotiations must be properly and fully disclosed to the public as a matter of normal business.
11. All personal services contracts with a single provider with a cumulative amount in excess of twenty-five thousand dollars (\$25,000) must be approved by the Board of Supervisors in an open meeting under a stand alone agenda item and not part of consent agenda.
12. Citizen committees must be open and properly noticed with complete agendas and following minutes within a reasonable time period.
13. Board of Supervisors must take responsibility for strict enforcement of all Municipal Codes in order to prevent further deterioration of neighborhoods and a further decline in property values and for the protection and safety of residents.
14. Personnel conducting negotiations on behalf of city must not benefit in any manner including pay increases and any or all benefits as a result of those negotiations.

Maurice White

15. Please submit to the Charter Review Committee a provision that would require members of the Board of Supervisors, the Mayor and all senior staff must take the same wage and benefit cuts that bargaining units negotiate.

Bill Prowse

16. Revisions to Section 3.075 Internal Auditor including the Internal Auditor reporting directly to the Carson City Audit Committee and setting auditing standards.