



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

Day: Monday
Date: June 25, 2012
Time: Beginning at 2:30 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 - May 22, 2012**
- 5. For Possible Action: Adoption of the Agenda**
6. For Possible Action: Discussion and possible action to change the Charter Section 3.075, Audit Committee - Internal Auditor; Appointment, compensation, duties; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
7. For Possible Action: Discussion and possible action on an amendment to the Charter that doesn't allow additional fees of utilities to pay for state Medicaid/Medicare debt; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors. (Amy Clemens)
8. For Possible Action: Discussion and possible action to request the Board of Supervisors allow a ballot question to have supervisor by ward in the primary election; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
9. For Possible Action: Discussion and possible action to change the Charter Sec. 1.080 - the candidates for membership of the Charter Review Committee must be appointed as follows: each supervisor, mayor shall appoint one candidate, each member of the senate and assembly delegation representing residents

of Carson City shall appoint one candidate; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.

10. For Possible Action: Discussion and possible action to change Charter 1.080 that appointments to Charter Review Committee be made when Legislators assume office or when sworn-in after general election, and the Board of Supervisors assumes office the 1st Monday in January, appointments to be made no later than the first Board of Supervisors meeting in February of each year; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
11. For Possible Action: Discussion and possible action to change the Charter for all mandated appointment positions on all Boards, Committees and Commissions where required be made by Board of Supervisors no later than the Board of Supervisors first meeting in February of each year; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
12. For Possible Action: Discussion and possible action on a Charter amendment that the Board of Supervisors review the Citywide Master Plan on a periodic basis either by segments or complete plan; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
13. For Possible Action: Discussion and possible action on a Charter amendment to require that when the Board of Supervisors considers spending more that \$20 million of City funds on a project it must go on the ballot and must have a majority vote of people before it can proceed; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
14. For Possible Action: Discussion and possible action that the 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 of safety of residents; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
15. For Possible Action: Discussion and possible action that the Economic Vitality Study be reviewed periodically by the Board of Supervisors; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
16. For Possible Action: Discussion and possible action to 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; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
17. Discussion of any new agenda items and discussion of the July 17, 2012 meeting.
18. **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.
19. **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.

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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.

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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.

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*This agenda and backup information are available on the City's website at
www.carson.org/agendas*

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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: June 19, 2012

Draft Minutes - May 22, 2012

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A regular meeting of the Carson City Charter Review Committee was scheduled for 3:00 p.m. on Tuesday, May 22, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
 Vice Chairperson Bruce Robertson
 Member Ron Allen
 Member Linda Barnett
 Member Christine Fregulia
 Member Rob Joiner
 Member Stephen Lincoln
 Member Chris MacKenzie
 Member Larry Messina

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 (3:00:57) - Chairperson DePauw called the meeting to order at 3:00 p.m. Roll was called; a quorum was present.

3. PUBLIC COMMENTS AND DISCUSSION (3:01:33) - Chairperson DePauw entertained public comment; however, none was forthcoming.

4. POSSIBLE ACTION ON APPROVAL OF MINUTES - April 17, 2012 (3:01:46) - Member Lincoln moved to approve the minutes, as presented. Member Allen seconded the motion. Motion carried 9-0.

5. POSSIBLE ACTION ON ADOPTION OF AGENDA (3:02:24) - Member Joiner moved to adopt the agenda, as published. Member MacKenzie seconded the motion. Chairperson DePauw entertained public comment and, when none was forthcoming, called for a vote on the pending motion. Motion carried 9-0.

6. "REVIEW, DISCUSSION, AND 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." (3:02:44) - Chairperson DePauw introduced this item, referenced the agenda materials, and introduced Mr. Glover. Chairperson DePauw entertained public comment. (3:03:37) In response to comments and a question of clarification by Andrea Engelman, Mr. Glover advised that elections in Carson City are conducted pursuant to the statute not pursuant to the City Charter. In response to a further question, he advised that elections in Carson City "are run like a county election. ... the only time you have a city election, they've only done it once, and that was for bond

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election.” Ms. Engelman advised of a ballot question “years ago ... in Carson City ... whether or not the primary ... should be by ward. And it failed by one vote. ... and then we had it in 1992 again.” She advised of having been informed by Mr. Glover that the City is required to be divided into wards “by federal law.”

In response to a question, Mr. Glover clarified that the 1984 ballot question was defeated by 65 votes and the 1992 ballot question “was a dead tie and, therefore, it failed because no one asked for a recount and there was no constituent to do it.” Ms. Engelman advised that she had backed the 1992 ballot question. She further advised that ward voting has been presented to the Charter Review Committee on several occasions in the past. “Sometimes it’s gone forward to the Board of Supervisors and the Board of Supervisors didn’t allow it to go to the ballot or the public to vote on it. So, it’s been twenty years. Coincidentally, the Legislature came up with a bill in the last session and Carson is one of four entities that doesn’t have a vote by ward ... And the bill at the Legislature would have required Carson City to have the entire election by ward and then would have allowed the public to vote on whether or not they wanted to keep it. The bill passed, it went to the Governor, and the Governor vetoed it only because of Reno ...”

Ms. Engelman advised that the bill will be reintroduced at the next legislative session, and requested that a ballot question be presented to the public “to vote on once again to hold the primary, only, by ward and then the rest of the election be citywide. That way, people who feel that the Board of Supervisors, the representative is out of touch with them would have some way of feeling that they have their representative that they can call. And, yet, at the same time, because they would be running citywide in the general, they would have the overall view. The mayor, of course, would continue to run citywide.”

In response to a question, Ms. Engelman referenced the Governor’s veto message in the agenda materials. “... the Governor says it’s not the ward elections that he was concerned about. It was because they put in an extra at-large position in Reno and that was why he vetoed it. That has been since corrected so that would change.” Ms. Engelman expressed confidence that a ballot question would provide for her to “get Carson City removed from the bill at the legislature. The thing that the legislature was most upset about was the lack of access to the ballot by the people; the fact that they weren’t allowed to vote on these things.”

In response to a question, Mr. Glover explained that the only counties which elect by district are Washoe and Clark. “All of the rest of them elect by [ward]. And one of the counties ... run at large. ... The idea is to make sure people live in certain areas of the county.” Ms. Engelman stated, “My feeling is ... legislators come from different districts but they come together and they vote about the state as a whole.” In response to a question, Ms. Engelman expressed the opinion that if a ballot question was defeated, there would not be another bill at the legislature. Member MacKenzie inquired as to “what’s changed since the last time they voted on it ... in terms of rationale ...” Ms. Engelman expressed the opinion that “most people think they are voting by ward.” In response to a question, Mr. Glover advised that candidates who run unopposed appear to have the same number of votes citywide. “You don’t see a candidate for Ward 1 getting a whole lot of votes in Ward 1 but trailing off in 2, 3, and 4 ...” He offered to research the numbers. Ms. Engelman advised that an assembly candidate “lost in her own ward ... last year.” She expressed the opinion “there’s sometimes a dislocation between the person who’s representing a ward and the people in the ward.”

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Member Joiner advised of having supported SB 304 during the last legislative session, and discussed details of the same. Based on his own citywide campaign experience, he advised of "life long members of Carson City that have only voted in Carson City say, 'What are you doing in my ward? You live in that one.'" Member Joiner expressed the opinion that no one questions citywide representation once elected, and support for SB 304 "as it was written in the last session, as it was vetoed by the Governor on a technicality because of Reno, and strong lobbying by the City of Reno because of their particular circumstance." Member Joiner expressed a preference for a ballot question "for both the primary and the general to run and be elected by ward."

Ms. Engelman acknowledged the advantage of voting by ward is that one person represents you. Vice Chairperson Robertson pointed out that "right now, you have five people you can go to if you have a problem or you want to see something changed." Ms. Engelman stated, "You still could go to five people and, certainly, the mayor represents everyone ..." She expressed a commitment to support primary elections by ward.

In reference to information contained in the agenda materials, Member Messina pointed out "there are possibilities that within one ward, someone could be elected supervisor with only a very, very small number of votes." In response to a question, Ms. Engelman advised of the requirement for three people to run. "If only two people are running, it would immediately go to the general. There would be no primary. The purpose of a primary is to get it down to two candidates." She acknowledged the possibility of a candidate winning the primary by 51 percent of the vote, "but you have that even in partisan elections."

Member Allen expressed understanding for the advantages of campaigning in only one ward, but uncertainty as to "any other benefit to electing only by a ward." In reference to earlier comments, he noted the five members of the Board of Supervisors who are available to any citizen in any ward. He expressed concern that citizens would be reluctant to go to an elected official outside their ward. He expressed the opinion that Carson City is small enough to not warrant ward voting. He noted the costs associated with segregating ballots by ward as opposed to citywide election ballots. Ms. Engelman reiterated support for ward voting in the primary election only. She complimented Mr. Glover on the even distribution of population in each ward, and a brief discussion followed.

Ms. Engelman acknowledged the request for a ballot question. In response to a question, Mr. Glover advised that there is insufficient time to place a question on the 2012 ballot. He responded to questions of clarification regarding the anticipated time line for placing a question on the 2014 ballot. Ms. Engelman acknowledged the possibility of a candidate receiving more than fifty percent of the vote in the primary election and, therefore, removing the opportunity to be voted on in the general election. "... the same thing happens right now in elections."

Chairperson DePauw entertained additional committee member questions; however, none were forthcoming. She discussed a concern "over lawsuits in regards to minority status and we have approximately 25 percent minority status within Carson City and that was one of the reasonings ... when we looked at this question ... in '92 when it went to the people." She advised of having the "same impression that Reno, now, even though they have vote by ward, they're going to the general because of this reason." She requested input of Mr. Munn and Mr. Glover.

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Mr. Glover acknowledged Chairperson DePauw's concern as "the big issue ten years ago." He provided background information on problems associated with ward voting ten years ago, including punch card ballots and that school boards had to be elected the same as the Board of Supervisors. He explained changes to the law, since that time, relative to school board elections. "With regard to the minority groups, ... it's not clear cut. It's a rather complicated process and the Justice Department takes into consideration a lot of issues in that area. Ten years ago, the standard was if the community was 50,000 or so, they were pushing to have you go to district voting, but they also take into consideration minority populations and ... if there's a past history of discrimination. Carson does not have that which we are very fortunate. What kind of emphasizes that is this year, the Justice Department is not requiring Carson to go to multi languages on the ballot because ... our minority population is not large enough yet and we have no history of discrimination. But they also take into [account] not only the number of minorities, but are they of voting age, are they eligible to vote; a whole lot of things go into that formula." Mr. Glover expressed the opinion that is not "an issue this time. The issue of ward versus election at large for both primary and general might be." He suggested requesting the District Attorney to research the issue. "You don't know until [the] Justice [Department] comes in and tells you you have to or there's a lawsuit filed or something like that."

In response to a question, Mr. Glover supposed "we can be sued for anything ... as the District Attorney knows." He referenced Georgia case law relative to a minority candidate, as an example. "It was actually opposite of where the courts had been going for the last twenty years. So, you never know what the federal courts are going to do." In response to a further question, Mr. Glover advised that he is developing a fiscal note relative to the costs associated with ward voting. He provided background information on the method by which elections are programmed, based on the number of wards and a ballot style. "But then if you had ward voting, for example, ... that adds another two ballot styles ..." Mr. Glover advised of having researched the printing costs for the sample ballot and concluded that the increase would amount to approximately \$400 or \$500. "The cost really appears to come in from printing the sample ballots because we have the State Printing Office do that for us and, as printers, they run through with one ballot style and ... then change it. ... There appears to be quite a bit of difference, but we're waiting for those figures to come in from State Printing." Mr. Glover advised that he would compare the printing costs for the sample ballots with those from four years ago.

Member Lincoln inquired as to how passage of the subject agenda item would affect items 7 and 8. Based on voter rights cases reviewed, Mr. Munn advised "the issue is at-large voting in the primary. What the courts will look at is whether, over a long period of time, there's been a history, statistically supported, where a block of white voters is always canceling the vote of a smaller minority group of voters." Mr. Munn reviewed statistics from a 2004 Montana case, and issues from a U.S. Supreme Court case which he referenced as *Jingles*. "So the Justice Department would come back, if let's say they sued Carson City, they would go into and we would have to go into the statistics of elections all the way back for ... fifty years ... to try and figure out whether we are falling into this category of a voter bloc causing ..., over time, ... a discrimination ..."

Member Barnett suggested that items 6, 7, and 8 are progressive "as to what to do. And it seems that if we said yes to number 8, that would completely invalidate number 6." In reference to agenda materials, Mr. Munn explained the method by which Reno elections are conducted by ward. "Reno's analysis ... is that going back through their statistics ... the City Attorney stated, in public forum, that they should make the change." In response to a question, Chairperson DePauw provided background information on items 6, 7, and 8.

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Chairperson DePauw entertained public comment. (3:36:57) Ward 2 Candidate Dennis Johnson echoed Ms. Engelman's and Mr. Joiner's comments. "Most of the people I've talked to out there, one of the three or four main questions is 'Why are you here? You're not in my ward.' ... They want to look specifically that they have somebody that they can, in essence, take ownership of; not an at-large thing that this ownership issue, if you will, is kind of a nebulous thing that they really don't understand." In reference to previous comments, Mr. Johnson suggested deferring action and requesting the *Nevada Appeal* to conduct a poll.

(3:38:29) Ward 2 Candidate Maurice White encouraged the committee to take action on the item "at least on moving the wards vote in the primary." He discussed his campaign experience, and expressed the opinion that "by doing it by the primary, it would also encourage other people to get in." He estimated his campaign costs at \$14,000 for the primary election, and encouraged ward voting for the primary election. In response to a question, he expressed support for "either way the residents of this community want it done." He expressed support for the "value in either way that it's done. ... Primary voting is the bottom line essence of what gets people in or out of participating in this process." Discussion followed.

In response to a question, Mr. Glover provided additional clarification regarding the time line associated with a ballot question relative to the subject item and relative to item 7. (3:43:36) In response to a question, Ms. Engelman advised that "if the Board of Supervisors is moving forward to put this ballot question before the public, that's all the legislature needs to hear and then we can be removed from the bill."

In response to a question, Mr. Glover estimated the fiscal note associated with the subject item at \$5,000. He acknowledged the statutory requirement for ballot question committees. In reference to the agenda materials provided by the Clerk's Office, Mr. Glover noted the "size of Carson City at 55,000 with the minority population, Hispanic basically, of 21.3 percent. ... These are people who are physically residing in that ward but may or may not be qualified electors, i.e., non-U.S. citizens and that does play into that." He advised of having compared census figures for Carson City and other counties throughout the state, and reviewed the same. He reviewed campaign costs "over the last couple elections" by ward, and responded to corresponding questions of clarification. He discussed the ease by which recalls are conducted by ward. He expressed disagreement with the legislature. "They threw us in with Henderson, Sparks, Reno, Boulder City. Carson is not a city. We're neither a city nor a county, yet they treated us like a city. We operate under state law, for elections and everything else, as a county unless ... the Board chooses to become a city and then, by resolution, they can declare themselves a city and operate under city law. They don't do that very often. Twice that I know of: once for a hospital bond election and once to appoint somebody to some Lake Tahoe committee that we picked up an extra vote ..." Mr. Glover suggested the committee considering "amending the charter further. ... you could have true minority control of a ward in a primary because you're only getting thirty percent of the people and if you can get fifty percent plus one vote, that's a real small percentage of the ward and of the city as a whole. ... top two go to the general." Relative to the Clerk's Office, Mr. Glover discussed the issue of challenges. "With everyone running at large in Carson and non-partisan, frankly, we don't care where you all live. If you come in to vote and you've moved, it really makes no difference to us because if you're challenged on the grounds of residency, you get to vote ... everything on that ballot ... you are entitled to vote except for the district you don't live in and, in the past, it's been senate district ... But, now that we have one senate and one assembly district, it doesn't really matter. We want people in their correct wards. We watch that very closely, but if they're not, they can be challenged on the grounds of residency and not allowed to vote in that ward." Mr. Glover discussed an ongoing North Las Vegas lawsuit, as an example.

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(7:44:38) Ms. Engelman thanked Mr. Glover, and expressed the opinion “a lot of those are issues that would be talked about in a campaign. ... the question now is ... whether or not this should go to the Board of Supervisors to consider putting the ballot question on the ballot at all.” She expressed support for Mr. Glover’s suggestion to change the charter “so that people couldn’t win in the primary with fifty percent if we ... went to a primary by ward.”

Chairperson DePauw entertained a motion. **Member Lincoln moved to request the Board of Supervisors to allow a ballot question to change the charter as to whether election primaries should be by ward. Member Fregulia seconded the motion.** In response to a question, Mr. Munn advised that the committee should not forward inconsistent actions. “... if you pass this one, you’ve asked ... the Board ... to do a ballot question.” Upon further consideration, he suggested that “this advisory committee [could be] supportive of all three of these concepts,” and request the Board to decide. Member Lincoln acknowledged his motion did not include Mr. Glover’s suggestion to amend the charter to remove the possibility of being elected by more than fifty percent of the vote in the primary. Chairperson DePauw requested a roll call vote, the results of which were as follows: Members Allen, Joiner, MacKenzie, Messina, and Vice Chair Robertson - No; Members Barnett, Fregulia, Lincoln, and Chairperson DePauw - Yes. **Motion failed 5-4.**

7. “REVIEW, DISCUSSION, AND POSSIBLE ACTION TO REQUEST THE BOARD OF SUPERVISORS THAT THE CHARTER BE CHANGED TO HAVE ELECTIONS OF SUPERVISORS BY WARD IN THE PRIMARY.” (4:00:50) - Chairperson DePauw introduced this item, and entertained committee member discussion. When none was forthcoming, she entertained public comment.

(4:01:47) Ward 2 Candidate Dennis Johnson expressed a preference “to just keep [his] comments the same on all of the issues and let the people have the vote by ward; no change in the comments from the original question.”

Member Joiner clarified the subject item represented a recommendation to the Board of Supervisors which would have to be forwarded by them to the legislature. Chairperson DePauw entertained additional comments and, when none were forthcoming, a motion. None was forthcoming.

8. “REVIEW, DISCUSSION, AND POSSIBLE ACTION ON 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.” (4:02:40) - Chairperson DePauw introduced this item, and entertained comments or questions of the committee members. Member Messina expressed the opinion that “we have five elected officials that run the City and, as a citizen, ... I want to be able to vote for all five. I want my vote to count for all five, not just two.” Member Allen expressed agreement with “that exact same statement.” He expressed the belief that “it’s more fair to the taxpayer if you have five people that you can go to if you have a problem and / or a solution that you’re looking for as opposed to just one or two.” Member Joiner expressed the opinion that, “until we have true campaign reform, like is being discussed at other levels of government, to limit the amount spent and how you campaign, ... this is necessary. It’s a very regressive thing that many people are intimidated and just flat broke to a point that they cannot run for office and ... it’s discriminating against certain folks.” He expressed support, and advised of having “represented a government and lobbied against this same bill in ... 2009 ... There’s a lot of reasons why it’s better to bring this down to a local level.

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Everybody represents everybody that's elected. We've gone way beyond that. ... This just makes it a more level playing field. ... Reform begins at the local level," and Member Joiner expressed strong support for "allowing people to run in our neighborhoods. They represent all of us." He reiterated support for the item.

Chairperson DePauw entertained public comment and, when none was forthcoming, a motion. **Member Joiner moved to approve a request to have the Supervisors change the charter to have supervisor by ward voted on in the primary and general elections in Carson City. Member Lincoln seconded the motion.** Chairperson DePauw requested a roll call vote, which results were as follows: Members Allen, Fregulia, MacKenzie, Messina, and Vice Chair Robertson - No; Members Barnett, Joiner, Lincoln, and Chairperson DePauw - Yes. **Motion failed 5-4.**

9. **"REVIEW, DISCUSSION, AND 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 THIRTY DAYS FROM THE DATE OF APPOINTMENT."** (4:08:40) - Chairperson DePauw introduced and provided background information on this item. She entertained committee member comments. Member Lincoln suggested a revision to the wording of the agenda item.

Member Allen expressed opposition to this item, and the opinion that "you're limiting your access to very well qualified people by ... doing that, especially here in Carson City." He noted "the Lyon County line is only a couple miles one direction and the Douglas County line is only a couple miles another one and Washoe, and there's a lot of good people that might live even just barely across the line but they wouldn't be able to partake ... without great cost to them of having to move." He reiterated the opinion that "by doing something like this, ... you're just really limiting the pool of qualified people that you can get to run the City." In response to a comment, Member Allen discussed the "great cost" associated with "get[ting] rid of where they are and move and purchase or wherever they're going to be able to do that and ... that would limit a lot of people in their decision to apply for a position."

Member Messina inquired as to a definition of "residence," and suggested that "thirty days to sell their house, buy a new house, and move seems quite restrictive." Vice Chairperson Robertson expressed agreement with Member Allen's comments, and inquired as to the reason the requirement would be applicable only to the City Manager. Chairperson DePauw stated that "it would apply to ... the person who is placed in the position if the City Manager was out of the area at the time to handle all city affairs. So, when the City Manager is absent, ... the second in charge within the City must be a resident." Vice Chairperson Robertson reiterated the inquiry as to the applicability of the requirement. He suggested that "if you have this, people will not apply that might be the best candidate for the job just because they don't want to move."

Member MacKenzie suggested the possible scenario "especially in this economic environment, where you have a good candidate come up and they're upside down in their home and they're one mile outside the boundary of Carson City and they can't sell their home because of the economic impact ..." He expressed agreement with Member Allen in terms of hiring "the right person for the job, and if they're going to do the best job, let's not draw an arbitrary line."

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Member Barnett advised that private sector employees usually have to move and expressed the opinion “the same ought to be done for the public sector.” She discussed her experience moving from California to accept her present position of employment. Member Joiner expressed understanding for wanting “your top executives that are highly compensated in your city to have some investment in your town and maybe pay their property tax here.” He expressed understanding for “both sides,” and suggested the issue should be considered on a candidate-by-candidate basis. Member Lincoln inquired as to additional background information on the item, and Chairperson DePauw advised of citizens present in the audience “who can answer that.”

Chairperson DePauw entertained additional committee member comments and, when none were forthcoming, entertained public comment. (4:16:56) Ward 2 Supervisor Candidate Dennis Johnson advised of having requested the item, and read his request into the record. In reference to his “working life and consulting life,” he discussed his knowledge of requirements for senior management “to live in the town because they made decisions that affected the town. If they are disconnected from the town, then there’s no real basis to be cautious.” He acknowledged the hardships associated with relocating, but expressed the opinion that public employees should be held to the same standard as private industry employees.

(4:19:00) Andrea Engelman stated that the requirement for the City Manager to live in Carson City “was always part of Carson City’s personnel requirements. It got removed at the time that Larry was put into the job. ... it has to do with whether or not this is an appropriate personnel requirement.” Ms. Engelman suggested various scenarios in which the City Manager and senior management living outside Carson City could be a detriment. “It’s a perception thing.” Ms. Engelman expressed the opinion, “the person that is running the City ought to live in the City. If he’s proposing taxes, he ought to be paying those taxes. Whether or not he moves here in thirty days or ninety days, that’s open to negotiation.” She suggested the possibility of a ballot question, and reiterated the opinion “the person that represents Carson City and is talking to people about moving here ought to live here.”

(4:21:14) Alan Glover, “a resident for 63 years,” advised of his experience relative to participating in the interview process for city managers and senior management. He stated, “You’re really limiting your pool of great professional people who might live in the area who will not put in because they cannot afford to move from Douglas or Washoe ... but could really contribute a lot to Carson ...” He noted the numbers of people leaving Carson City. “... really talented people can go other places to work. ... We’re not just losing lower economic people out of Carson. We may be losing some higher end people who can go to work anywhere they want to. Those are the kind of people we want to attract to head up our departments and move Carson along technically. ... Just because you live somewhere doesn’t make you very competent in your job necessarily.”

(4:23:39) In response to a previous comment, Ms. Engelman advised of the requirement for Andrew Klinger to live in Reno “for him to get that job.”

Mr. Werner advised that the Board of Supervisors currently has the authority to require residency of senior management. “In most cases, it has been that way. But, in my case, it was a little unique and there were some unique circumstances there. But, when I leave, they could certainly very well put that requirement back on. ... There’s nothing that precludes the Board from doing that.” Mr. Werner expressed the opinion “you could get that situation back to a residency requirement either for a department director or the City Manager, but you don’t need to change the charter to do that.” He expressed concern that a charter

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amendment could render negotiations difficult or even impossible. He did not disagree with requiring residency of the City Manager and senior management, "but, depending on the circumstances, you may not want to limit yourself to that being an absolute."

Member Joiner expressed appreciation for Mr. Werner's comments and for Mayor Crowell's comments, during the April meeting, relative to requesting changes to the charter which could otherwise be accomplished by ordinance. He suggested that the City's personnel code could be more easily changed, and discussed the importance of senior staff being readily available for emergency management situations.

In response to a question, Mr. Munn advised that the committee could not take action to change the subject agenda item. He suggested the wording of the agenda item limits the committee's options. "... essentially, the sentence structure is ... this is our outcome if we vote for this. You didn't leave any option to go elsewhere." He suggested rewording the item with broader wording.

Chairperson DePauw entertained additional questions or comments of the committee members and of the public. When none were forthcoming, she entertained a motion. None was forthcoming. Member Joiner expressed agreement with the suggestion to reword the item for action relative to an ordinance or a revision to the City's personnel code.

10. "REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CHANGING THE CHARTER TO ELECT FIVE SUPERVISORS, WITH THE ROTATION OF MAYOR ON A YEARLY BASIS."
(4:29:04) - Chairperson DePauw introduced this item and, at her request, Member Barnett provided background information. Member Messina expressed concern with regard to the item, and the opinion that "the Mayor is the face of the City and if we change that face every year, ... it just confuses people." He noted the ceremonial aspect of the Mayor's position, and suggested "some supervisors are not good at ceremonial type things so they wouldn't run for mayor, they wouldn't run for supervisor." Member Messina expressed the opinion that the supervisors should not be "forced ... to take on that role."

Chairperson DePauw stated, "We see this in Douglas County. That's how they do it; doesn't seem to be a problem. It's been brought to this committee before." She expressed agreement that "the Mayor ... has special responsibilities, but ... it's also, what's so wrong with allowing other people? They're looking at a policy and procedure program right now that ... works with boards, committees, and it's recommending that their chairs be rotated so it's kind of the same circumstance. That's what they are recommending that it's a forced issue no matter what."

Member Lincoln inquired as to the mechanism of rotation, and suggested that the four-year terms may preclude someone from serving in the position of mayor. Discussion followed. In reference to the presentation and discussion relative to item 6, Member Joiner noted "sometimes we're a city when we want to be a city and we're a county when we want to be a county." He related the Washoe County Commission's mechanism of rotation, and expressed the opinion that it could work in Carson City as well. He expressed agreement with Member Messina's comments relative to the Mayor being "elected as the ... face of the City." Member Allen suggested "it works ... because they're actually county commissioners and it's not the same ... The Mayor is the person, when a newcomer comes to the City and they want to do something, they know where to go. ... In Washoe County or Clark County, that's a whole different story in that, ... they'll go to the head of the county commission, but if they're doing something in Las Vegas, they don't go to the head of the county commission for that, they go to the Mayor of Las Vegas." Member

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Allen expressed the opinion, "In this case, we have to put our city hat on as opposed to our county hat and we need to look at how we should be doing it as a city and not as a county." Chairperson DePauw expressed the opinion "the majority of people in this town couldn't even tell you who our mayor is." She related an experience at a local drug store, as an example. "Sad to say, but some of us are a little bit more educated, politically, than others. ... People are just not as educated as we are or we would like to see them be ..." Member Messina acknowledged there are many citizens who don't take any interest whatsoever, "but there's also an awful lot that do." He recalled the Mayor receiving 15,000 votes in the last election, and suggested "that's a good percentage of people. ... the majority of the people know who the mayor is." Member MacKenzie expressed the opinion that the obligations of the Supervisors and the Mayor "are distinct and ... we've had some very good Supervisors that would not have made very good Mayors."

Chairperson DePauw entertained additional committee member comments and, when none were forthcoming, public comment. When none was forthcoming, she entertained a motion. Member Barnett moved to change the charter to elect five supervisors with the rotation of mayor on a yearly basis. Motion died for lack of a second.

11. "REVIEW AND DISCUSSION OF PRIOR CHARTER REVIEW COMMITTEE ACTIONS AND RECOMMENDATIONS FOR YEARS 2006, 2008, AND 2010; INFORMATION ONLY." (4:39:14) - Chairperson DePauw introduced this item, referenced the agenda materials, and provided background information. Vice Chairperson Robertson and Member Fregulia expressed appreciation for the agenda materials relative to this item. Discussion followed, and Chairperson DePauw entertained public comment. None was forthcoming.

12. "REVIEW OF PRIOR MINUTES FROM LAST 2010 CHARTER REVIEW COMMITTEE MEETING; INFORMATION ONLY." (4:43:45) - Chairperson DePauw introduced this item, referenced the agenda materials, and provided background information. She entertained questions or comments of the committee members and the public; none were forthcoming.

13. "REVIEW, DISCUSSION, AND POSSIBLE ACTION ON ADDITIONAL MEETING DATES FOR CHARTER REVIEW COMMITTEE." (4:44:58) - Chairperson DePauw introduced this item, and Mr. Werner discussed possible meeting dates and times. Discussion ensued, and Mr. Werner advised of the requirement, relative to bill draft time frames, to present the committee's recommendations to the Board of Supervisors at their August 2nd meeting. Following additional discussion, **Member Lincoln moved to hold meetings on June 25th, July 17th, and a joint meeting with the Board of Supervisors on August 2nd. Member Joiner seconded the motion, and suggested scheduling an additional meeting in June. Following additional discussion, Member Lincoln amended his motion to include June 5th at 2:30 p.m., to change or to set the time at 2:30 on June 25th, set the time at 2:30 on July 17th, and to leave the August 2nd date the same. Member Joiner continued his second. Motion carried 9-0.**

14. "DISCUSSION OF ANY NEW AGENDA ITEMS FOR FUTURE CHARTER REVIEW COMMITTEE MEETINGS." (4:56:14) - Chairperson DePauw introduced this item, referenced the agenda materials, and advised of other, future agenda items. In response to a question, Ms. Busse requested any additional items for the June 5th agenda to be submitted by the last week in May. Chairperson DePauw entertained additional future agenda items; however, none were forthcoming. (4:59:34) In consideration of the Memorial Day holiday, Mr. Werner requested Chairperson DePauw to submit the draft agenda by Friday, May 25th to accommodate Open Meeting Law posting requirements.

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15. PUBLIC COMMENT (4:58:20) - Bill Prowse advised of having reviewed that section of the Charter relative to the City's internal auditor, and described it as "significantly out of date." He further advised of having submitted a proposed revision and inquired as to when it will be agendized. Member Allen advised that the item was on the list of future agenda items. (5:00:18) Chairperson DePauw entertained additional public comment; however, none was forthcoming.

16. ACTION TO ADJOURN (5:00:29) - Member Allen moved to adjourn the meeting at 5:00 p.m. Member MacKenzie seconded the motion. Motion carried 9-0.

The Minutes of the May 22, 2012 Carson City Charter Review Committee meeting are so approved this _____ day of June, 2012.

DONNA DePAUW, Chair

Charter Section 3.075

Sec. 3.075 – Audit Committee - Internal auditor: Appointment; compensation; duties.

1. The board shall by ordinance create, appoint and provide for the purpose and responsibilities of a Carson City Audit Committee consisting of five (5) members, one (1) member from the board of supervisors and four (4) members from the at-large residents of Carson City. The at-large terms shall be for staggered two (2) year terms and the board member's term shall be coterminous with the member's term in office. The committee shall be advisory to the board.

2. The board shall appoint a part-time or full-time internal auditor and fix his compensation. The internal auditor shall report directly to the committee in performing audits subject to the approval of the board.

[2.] 3. The internal auditor shall:

(a) Investigate each office and department of Carson City to determine compliance with the ~~[accounting procedures manual]~~ Carson City Municipal Code, the Nevada Revised Statutes, the Nevada Administrative Code, applicable federal laws and regulations and generally accepted accounting principles.

(b) Recommend changes in ~~[accounting procedures which would, in the opinion of the internal auditor, improve efficiency of internal controls]~~ Carson City municipal operations, both financial and non-financial, based upon audits performed in compliance with professional audit standards.

(c) Conduct special investigations at the direction of the Audit Committee or as directed by the board into any financial matter of any office or department of Carson City.

(d) Perform other duties as directed by the Audit Committee or as directed by the board.

Charter Section 1.080

Sec. 1.080 - Charter committee: Nomination; appointment; terms; qualifications; compensation.

1. The candidates for membership on the charter committee must be nominated as follows:
 - (a) Each supervisor shall nominate at least one candidate; and
 - (b) Each member of the senate and assembly delegation representing the residents of the city shall nominate at least one candidate.
2. The board shall:
 - (a) Determine the appropriate number of members of the charter committee from the candidates nominated; and
 - (b) Appoint the members of the charter committee.
3. Each member of the charter committee must:
 - (a) Be a registered voter in Carson City;
 - (b) Serve a term concurrent to the term of the public officer by whom he was nominated;
 - (c) Reside in Carson City during his term of office; and
 - (d) Serve without compensation.

(Added-Ch. 341, Stats. 1999 p. 1406)