

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 agendize 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