

CARSON CITY BOARD OF SUPERVISORS

Minutes of the August 20, 2009 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, August 20, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada

PRESENT: Mayor Robert Crowell
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, District Attorney
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

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

1 - 4. CALL TO ORDER, DETERMINATION OF QUORUM, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:30:33) - Mayor Crowell called the meeting to order at 8:33 a.m. Roll was called; a quorum was present. Seventh Day Adventist Church Pastor Al Tilstra provided the invocation. Bruce Kittess led the pledge of allegiance.

5. ACTION ON APPROVAL OF MINUTES - July 16, 2009 (8:32:07) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

6. ADOPTION OF AGENDA (8:32:28) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed the agenda adopted.

7. PUBLIC COMMENTS AND DISCUSSION (8:32:40) - Mayor Crowell opened this item to public comment; however, none was forthcoming.

8. SPECIAL PRESENTATION OF A PROCLAMATION TO THE WAYNE NASH FAMILY IN HONOR AND RECOGNITION OF THEIR KINDNESS AND WILLINGNESS TO HELP OTHERS (8:33:02) - Mayor Crowell introduced and provided background information on this item. He invited the Nash family to the podium, and read into the record the language of the Proclamation included in the agenda materials. On behalf of the Board of Supervisors, Mayor Crowell presented the Proclamation to the Nash family, and expressed gratitude for their contributions to the community. The Board members, City staff, and citizens present applauded Mr. Nash and his family.

(8:37:34) Wayne Nash expressed appreciation for the recognition and thanked family and friends for attending. He advised he is making good progress in his recovery, and expressed gratitude for the "thoughts, prayers, and messages from around the country." He remembered the family of the victim, and expressed pride in having been a 38-year resident of Carson City. He called Josh Patterson to the podium, and expressed appreciation for his and his girlfriend's assistance on the day of the incident. He presented

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Mr. Patterson with a plaque and a bouquet of flowers for his girlfriend. The Board members, City staff, and citizens present applauded Mr. Patterson. Mr. Nash expressed gratitude to his wife for having had the presence of mind to administer the first aid which saved his life. He expressed his love, and presented her with an eagle figurine and a bouquet of flowers. The Board members, City staff, and citizens present applauded Mrs. Nash.

(8:42:27) Anna Thornely read a Proclamation from Governor Jim Gibbons into the record. The Board members, City staff, and citizens present applauded the Nash Family, and Ms. Thornely presented the Proclamation to Wayne Nash.

Mayor Crowell opened this item to public comment. (8:44:58) Jim Adey, a resident of Carson City since 1973, commended Wayne Nash as “a great man, a great father, and a Christian brother.” Mr. Adey provided background information on his friendship with Mr. Nash over the years, and related details of an incident wherein Mr. Nash “and another good Samaritan” saved his life.

Mayor Crowell called for additional public comment and, when none was forthcoming, recessed the meeting at 8:47 a.m. (9:05:11) Mayor Crowell reconvened the meeting at 9:05 a.m.

9. CONSENT AGENDA (9:05:13) - Mayor Crowell entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion to approve the consent agenda. **Supervisor Livermore moved approval of the consent agenda consisting of five items: item 9-1, City Manager, (A), (B), and (C), with special recognition to Jens Peermann on his appointment to the Shade Tree Council; item 9-2, Public Works; item 9-3, Public Works Planning and Zoning, as published and distributed. Supervisor Aldean seconded the motion.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

9-1. CITY MANAGER

9-1(A) ACTION TO AUTHORIZE MAYOR CROWELL TO SIGN A MUTUAL TERMINATION OF LEASE AGREEMENT WITH NEVADA HISPANIC SERVICES OF CARSON CITY (“NHSCC”) FOR LEASING A PORTION OF THE FACILITY LOCATED AT 1711 NORTH ROOP STREET

9-1(B) ACTION TO DETERMINE THAT CONTRACT NO. 0809-226, CARSON CITY INTERNAL AUDITOR, IS A CONTRACT FOR PROFESSIONAL SERVICES AND NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPOINT CASEY, NEILON AND ASSOCIATES, LLC, AS THE CARSON CITY INTERNAL AUDITOR BY APPROVING CONTRACT NO. 0809-226, CARSON CITY INTERNAL AUDITOR, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY CASEY, NEILON AND ASSOCIATES, LLC, THROUGH AUGUST 20, 2010, FOR A NOT-TO-EXCEED COST OF \$21,150.00, TO BE FUNDED FROM THE PROFESSIONAL SERVICES ACCOUNT OF THE INTERNAL AUDITOR FUND, AS PROVIDED IN FY 2009 / 2010

9-1(C) ACTION TO APPOINT JENS PEERMANN TO THE SHADE TREE COUNCIL, TERM TO EXPIRE JANUARY 1, 2010

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9-2. PUBLIC WORKS - ACTION TO APPROVE A REQUEST FROM NV ENERGY TO CREATE A 15-FOOT WIDE EASEMENT ALONG AN EXISTING OVERHEAD POWER LINE, LOCATED ON CITY PROPERTY, KNOWN AS CAPITOL CITY GUN CLUB AT 3590 ARROWHEAD DRIVE, APN 005-051-13, AND EAGLE VALLEY WEST GOLF COURSE, APN 005-051-25, AND TO AUTHORIZE THE MAYOR TO SIGN THE GRANT OF EASEMENT

9-3. PUBLIC WORKS PLANNING AND ZONING - ACTION TO AUTHORIZE STAFF TO SIGN A MEMORANDUM OF AGREEMENT BETWEEN CARSON CITY, THE BUREAU OF LAND MANAGEMENT, NV ENERGY, AND OTHER COOPERATING AGENCIES, TO BECOME A COOPERATING AGENCY IN THE REVIEW OF THE ENVIRONMENTAL IMPACT STATEMENT ("EIS") FOR THE BLACKHAWK TO HEYBOURNE TRANSPORTATION LINE PROJECT RUNNING PARTLY THROUGH CARSON CITY

10. RECESS BOARD OF SUPERVISORS (9:06:09) - Mayor Crowell recessed the Board of Supervisors.

LIQUOR AND ENTERTAINMENT BOARD

11. CALL TO ORDER AND DETERMINATION OF QUORUM (9:06:13) - Chairperson Crowell called the Liquor and Entertainment Board to order at 9:06 a.m. Roll was called; a quorum was present, including Member Ken Furlong.

12. ACTION ON APPROVAL OF MINUTES - July 16, 2009 (9:06:31) - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 6-0.

13. SHERIFF - PRESENTATION TO THE LIQUOR AND ENTERTAINMENT BOARD RECOGNIZING THE CARSON CITY BOARD OF SUPERVISORS, SHERIFF'S OFFICE, BUSINESS LICENSE DIVISION, AND LOCAL BUSINESS OWNERS IN ACHIEVING THE 2009 NATIONWIDE LAW ENFORCEMENT AWARD; CARSON CITY HAS BEEN AWARDED "AGENCY OF THE YEAR" FOR THE ENFORCEMENT OF UNDERAGE DRINKING LAWS ("EUDL") PROGRAM (9:06:52) - Chairperson Crowell introduced this item. Member Furlong distributed an August 19, 2009 press release to the board members and the Clerk, and reviewed the same. He emphasized the importance of community partnerships, and commended the board members on their strong stand against underage drinking. He expressed appreciation to the cooperating businesses, the law enforcement officers, and to EUDL Coordinator Kathy Bartosz.

(9:11:21) Kathy Bartosz congratulated the board members on their involvement in Carson City receiving this national award. She advised there were 87 applicants nationwide. She discussed the importance of community partnerships and enforcing underage drinking laws. She commended the law enforcement officers, the Sheriff, the board members, Mr. Rombardo, and Star Anderson and Alex Cañas of the Carson Nugget. She explained the temporary absence of the award plaque, and presented a certificate to the Sheriff, Detective Dan Gonzales, Ms. Anderson, and the board members. Ms. Bartosz reviewed results from a 2003 Nevada Youth Risk Behavior Survey conducted at Carson High School. Chairperson Crowell thanked Ms. Bartosz and Member Furlong for their presentations.

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Chairperson Crowell opened this item to public comment. (9:16:13) Ms. Anderson thanked the Sheriff's Department and the board members, and reiterated the Carson Nugget's commitment to the community. The board members, City staff, and citizens present applauded.

14. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:17:12) - Chairperson Crowell adjourned the Liquor and Entertainment Board.

15. RECONVENE BOARD OF SUPERVISORS (9:17:13) - Mayor Crowell reconvened the Board of Supervisors.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

16. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:17:17) - None.

17. MUNICIPAL / JUSTICE COURTS - ACTION TO ADOPT BILL NO. 117, ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 8, PUBLIC PEACE, SAFETY, AND MORALS, CHAPTER 8.04, PROHIBITED CONDUCT, SECTION 8.04.127, MARIJUANA POSSESSION WITHOUT MEDICAL PRIVILEGE CARD IS A MISDEMEANOR, BY FIXING A TYPOGRAPHICAL ERROR TO THE STATE LAW REFERENCE, AND OTHER MATTERS PROPERLY RELATED THERETO (9:17:23) - Mayor Crowell introduced this item. District Court Jury Commissioner Natalie Pieretti provided an overview of the agenda report, and advised of having received no public comment on this item since its introduction. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt Bill No. 117, on second reading, Ordinance No. 2009-18, an ordinance amending Carson City Municipal Code, Title 8, Public Peace, Safety, and Morals, Chapter 8.04, Prohibited Conduct, Section 8.04.127, Marijuana Possession Without Medical Privilege Card is a Misdemeanor, by fixing a typographical error on the state law reference, and other matters properly related thereto. Supervisor Williamson seconded the motion. Motion carried 5-0.**

18. PURCHASING - ACTION TO DETERMINE THAT HORIZON CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 0910-046, MORGAN MILL ROAD RIVER ACCESS AREA PROJECT TO HORIZON CONSTRUCTION, INC. FOR A BID AMOUNT OF \$196,699.90, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$39,500.00, TO BE FUNDED FROM THE CONSTRUCTION PROJECTS MORGAN MILL ROAD RIVER BANK FUND, AS PROVIDED IN FY 2009 / 2010 (9:18:28) - Mayor Crowell introduced this item. Purchasing and Contracts Coordinator Sandy Scott reviewed the agenda report. In response to a question, Public Works Engineer Tom Grundy explained the potential for mercury as the reason for the increased contingency amount. Supervisor Aldean noted a correction to page 3 of the contract included in the agenda materials. Supervisor Livermore advised of having discussed contract management with City staff. In response to a comment, Mr. Werner provided background information on the new agenda report format which includes the contract term. Supervisor Livermore expressed confidence in Mr. Grundy's ability to manage the project timeline. Mr. Grundy noted the 60-day construction period, and discussed the length of time necessary to obtain the portable restroom enclosure. He explained that the construction period may have to be suspended "after everything's constructed" to wait for the portable restroom enclosure.

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to determine that Horizon Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS 338, and to award Contract No. 0910-046, Morgan Mill Road River Access Area project, to Horizon Construction, Inc. for a bid amount of \$196,699.90, plus a contingency amount not to exceed \$39,500.00, to be funded from the Construction Projects Morgan Mill Road River Bank Fund, as provided in FY 2009 / 2010.** In response to a comment, **Supervisor Williamson amended her motion to indicate the revision previously mentioned by Supervisor Aldean.** **Supervisor Walt seconded the motion. Motion carried 5-0.**

19. FIRE - PRESENTATION AND ACTION TO APPROVE THE ADOPTION OF THE CARSON CITY COMMUNITY WILDFIRE PROTECTION PLAN (9:25:49) - Fire Chief Stacey Giomi introduced this item, provided background information, and narrated a SlideShow presentation of the Wildfire Protection Plan which was included in the agenda materials. In response to a question, he advised there are currently six fire safe councils in the community. He noted a recommendation, in the Wildfire Protection Plan, that fire safe councils be developed in certain other areas, and advised that the Fire Department will work with anyone “who’s willing to do that.” He emphasized that fire safe councils are “not government driven.” The Fire Department will work together as a supporting partner, but “fire safe councils are a component of the community ...” In response to a question, Chief Giomi described the mission and purpose of fire safe councils. Supervisor Aldean suggested the possibility of posting fire safe council contact information on the City’s website. Chief Giomi responded to questions of clarification regarding the provisions of the existing fuels management ordinances.

Supervisor Livermore commended the Wildfire Protection Plan. In response to a question, Chief Giomi expressed acute awareness over protection of properties acquired through the federal lands bill. He advised of having been vigilant over expressing concerns associated with the City accepting responsibility for said properties. He anticipates that fire protection will be “a team approach,” including “Open Space, Parks and Rec, [the Fire Department], yourselves, through funding and opportunities, and we’ll just have to make it a priority ...”

Supervisor Williamson advised of discussions at the August 19th Carson Water Subconservancy District meeting regarding Carson City having been selected as a pilot community for best management practices in terms of landscape that “preserves water and stops runoff.” She suggested “these two will work hand in hand with landscaping and vegetative material that is not flammable and is moved appropriately away from your home.” Chief Giomi acknowledged the Wildfire Protection Plan’s collaboration element, and expressed the opinion that “we do that very well here.”

Chief Giomi acknowledged that the Wildfire Protection Plan will be posted to the City’s website once the plan is adopted by the Board and a letter received from the State Forester. Mayor Crowell noted the importance of the plan being prominently available via the City’s website. In response to a question, Chief Giomi reviewed this year’s sheep grazing locations, and advised that the grazing areas are well-designated in the Wildfire Protection Plan. He discussed a recent “summit” with a “tremendous number of stakeholders,” including federal, state, and local agency representatives, to discuss the sheep grazing project. He expressed the hope that a dialogue was opened between local and federal agency representatives with regard to the importance of the grazing projects to Carson City. In response to a further question, he explained that funding and vegetative materials are primary reasons Prison Hill is not designated as a grazing area.

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to approve adoption of the Carson City Community Wildfire Protection Plan. Supervisor Aldean seconded the motion. Motion carried 5-0.**

20. FINANCE

20(A) PUBLIC HEARING ON THE INTENT OF CARSON CITY, NEVADA TO ACT UPON A RESOLUTION AUTHORIZING AN INSTALLMENT-PURCHASE AGREEMENT WITH A MAXIMUM TERM OF 20 YEARS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,382,500 TO ENABLE THE BOARD TO PAY ALL OR A PORTION OF THE COST TO ACQUIRE, IMPROVE, AND EQUIP BUILDING PROJECTS AS DEFINED IN NRS SECTION 244A.019 IN THE CITY (9:51:26) - Finance Department Director Nick Providenti introduced this item, and reviewed the agenda report. (9:52:20) Mayor Crowell opened the public hearing, and entertained comments. When none were forthcoming, he closed the public hearing.

20(B) ACTION TO ADOPT A RESOLUTION AUTHORIZING AN INSTALLMENT-PURCHASE AGREEMENT FOR THE PURPOSE OF FINANCING THE COST OF BUILDING PROJECTS; DIRECTING THE CITY FINANCE DIRECTOR TO FORWARD MATERIALS TO THE STATE OF NEVADA DEPARTMENT OF TAXATION; AUTHORIZING THE CITY FINANCE DIRECTOR TO EXECUTE THE CITY'S INSTALLMENT-PURCHASE AGREEMENT EVIDENCING SUCH FINANCING; AND PROVIDING THE EFFECTIVE DATE THEREOF (9:52:59) - Finance Department Director Nick Providenti introduced this item, and reviewed the agenda report, the proposed resolution, and the installment-purchase agreement which were included in the agenda materials. In response to a question, Public Works Department Director Andrew Burnham provided background information on the method by which City buildings were evaluated for installation of solar energy facilities. Those designated as feasible include City Hall, the Community Center, a Parks and Recreation Department building, Fire Stations 1 and 2, Juvenile Hall, the Pony Express Pavilion, and the Aquatic Facility. Mr. Burnham estimated the projects will cost approximately \$3.5 to \$4 million. He acknowledged that American Recovery and Reinvestment Act funding will be included "in purchasing down the price of the solar panels themselves." In response to a further question, he reviewed two previous retrofit projects involving boilers, building and street lighting, and windows. In response to a question, Mr. Burnham advised that the courthouse was not included due to the short "life-span of the roof." He anticipates that installation of solar energy facilities will continue over the next ten years; the projects are facilitated by rebates from NV Energy. He advised that new roofs at the Community Center and the Aquatic Facility are part of the project.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt Resolution No. 2009-R-48, a resolution authorizing an installment purchase agreement for the purpose of financing the cost of building projects; directing the City Finance Director to forward materials to the State of Nevada Department of Taxation, authorizing the City Finance Director to execute the City's installment purchase agreement evidencing such financing, and providing the effective date thereof. Supervisor Livermore seconded the motion. Motion carried 5-0.**

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21. PUBLIC WORKS

21(A) REVIEW AND APPROVAL OF AN AGREEMENT WITH THE NEVADA DEPARTMENT OF TRANSPORTATION THAT WILL RESULT IN THE CONSTRUCTION OF A PORTION OF THE CARSON CITY FREEWAY, PHASE 2B, INCLUDING THE STRUCTURES AT KOONTZ LANE AND CLEARVIEW DRIVE, AND THE EDMONDS DRAINAGE CHANNEL (9:59:40) - Mayor Crowell introduced this item, and Mr. Burnham reviewed the agenda report. Mr. Werner distributed to the Board members and the Clerk an August 13, 2009 memorandum from Mr. Burnham, which Mr. Burnham reviewed. Supervisor Aldean provided background information on revisions to the agreement, as suggested by the Regional Transportation Commission. In response to a question, Mr. Burnham advised of having reviewed previous project agreements and found them to be consistent with the subject agreement.

Supervisor Aldean advised of having visited the “open house” hosted by NDOT at Fuji Park yesterday. She discussed the purpose of the open house to engage the public and provide information regarding access during construction of the phase 2B portion of the freeway project. She advised of having talked with NDOT Project Manager Jim Gallegos who was pleased with the attendance at the open house. “The good thing about moving forward with construction of the bridges is it keeps the project moving.” Mr. Burnham estimated 100 people were in attendance at the open house. He discussed interest in, and information provided regarding, the intersection of Edmonds Drive and Fairview Drive. He advised that the City had done modeling which indicated the intersection “should be adequate. NDOT did some modeling and they think it’s a little less than adequate.” Mr. Burnham further advised that the issue will be carefully monitored, from the standpoint of the Regional Transportation Commission, to determine the necessity of future improvements.

In response to a question, Mr. Burnham noted the agreement with NDOT that freeway construction will not impede the City’s construction of the linear path. Discussion followed. In response to a further question, Mr. Burnham discussed time frames associated with completion of the Fairview Drive interchange. Supervisor Aldean related details of the public testimony and discussion which took place at the August 12th Regional Transportation Commission meeting. She noted the significance of the “line on a map” to “expressing the community’s intent” to pursue the linear path project at some future date.

Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Aldean moved to approve an agreement with the Nevada Department of Transportation that will result in the construction of a portion of the Carson City freeway, phase 2B, including the structures at Koontz Lane and Clearview Drive and the Edmonds drainage channel, subject to an amendment to page 1, paragraph 7. Supervisor Williamson seconded the motion. Motion carried 5-0.**

21(B) REVIEW AND APPROVAL OF AMENDMENT NO. 3 WITH NDOT REGARDING PHASE 2 FUNDING OF THE CARSON CITY FREEWAY (10:08:58) - Mr. Burnham introduced this item, and distributed to the Board members and the Clerk an August 13, 2009 memorandum delineating the changes to the subject amendment suggested by the Regional Transportation Commission. He reviewed the agenda report and the provisions of the proposed amendment. Supervisor Aldean noted that the City’s outstanding obligation may be satisfied by additional sources of federal funding. Mr. Burnham advised of having conducted a cost evaluation of assuming the responsibility of the streets over a period of time. “It equates to about thirty years of maintenance costs with a small inflation factor.”

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Mayor Crowell advised of citizen concerns over accepting responsibility for the roadways. In response to a question, Mr. Burnham advised that actual maintenance costs were evaluated “against the funds that we’re not having to pay for the freeway.” He explained that, if the City doesn’t agree to the amendment, \$0.03 of the City’s gas tax revenues will be allocated to NDOT until the obligation is satisfied. “If we’re keeping that \$0.03 and able to use that for maintenance, because that then offsets the costs of maintenance, ... that’s coupled with the \$0.02 that we were able to gain of the gas tax when we did the last amendment ... to reduce our obligation.” Mr. Burnham discussed the additional benefit of the City “owning and controlling all of our streets,” noting NDOT’s “onerous” permit process which costs our development community and residents a lot of money and time. Supervisor Aldean noted that the City will be allocated an additional portion of the gas tax revenues “as a result of having more linear feet of roadway.” Mr. Burnham offered additional clarification. Supervisor Aldean reviewed a list of streets over which the City of Sparks has recently assumed responsibility. She noted NDOT’s practice of transferring ownership of local roadways is part of a statewide program which started under the Guinn administration to relieve NDOT of the ongoing obligation to maintain local roadways.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to approve Amendment No. 3 to Highway Agreement No. R159-97-060, as amended by Highway Agreement No. R386-04-002, subject to two minor corrections to paragraphs 7 and 8. Supervisor Williamson seconded the motion. Motion carried 5-0.**

21(C) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.030, SCHEDULE OF CONNECTION FEES AND HOOK-UP CHARGES, BY DECREASING CONNECTION CHARGES; AND OTHER MATTERS PROPERLY RELATED THERETO (10:16:40) - Mayor Crowell introduced this item, and Mr. Werner provided background information. Mr. Burnham reviewed the agenda report, and the provisions of the proposed ordinance which was included in the agenda materials. Mayor Crowell commended City staff for “thinking ... outside the box on this issue,” and anticipates the ordinance will “spur ... good, quality development.” Supervisor Livermore discussed the importance of “growth paying its own way.” In response to a comment, Mr. Burnham explained that new development will continue to be evaluated based on impacts to the City’s water and sewer system, and required to pay accordingly. Discussion followed, and Mr. Werner provided additional background information and clarification.

Supervisor Williamson commended the “effort to acknowledge reality,” and to “make Carson City more attractive to good businesses and good development.” She expressed concern over attracting “high water users,” and suggested imposing a time limit on the proposed ordinance in order to evaluate the impacts. Mr. Burnham advised that water usage corresponds to the Growth Management Ordinance in that a surcharge is imposed on use over 7,500 gallons per day. He suggested that staff could report back to the Board on an annual basis. Supervisor Williamson further clarified her request to impose a time limit to “send a message to potential investors that this is an opportunity that Carson City is offering ... but we want you to come now.” Supervisor Aldean expressed appreciation that connection fees are not proposed to be eliminated. She agreed with earlier comments that “we have an aging system and the extra customers will help dilute the impact of having to spend the dollars to improve the system to meet current water quality requirements.” She expressed support for the proposed ordinance.

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Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 119, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.03, Sewer Connection Charges and Use Rates, Section 12.03.030, Schedule of Connection Fees and Hook-up Charges, by decreasing connection charges, and other matters properly related thereto; and to add language that the ordinance will be revisited two years after it takes effect. Supervisor Livermore seconded the motion. Motion carried 5-0.**

21(D) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.010, DEFINITIONS, BY DELETING THE DEFINITIONS OF “TOTAL WERCS” AND “WATER EQUIVALENT RESIDENTIAL CUSTOMER (WERC)”; AMENDING SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, BY DELETING ALL REFERENCES TO WERCS AND REDUCING WATER CONNECTION FEES; AND OTHER MATTERS PROPERLY RELATED THERETO (10:32:48) - Mr. Burnham introduced this item, and reviewed the agenda report. Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 120, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.01, Water Connection Charges and Use Rates, Section 12.01.010, Definitions, by deleting the definitions of “Total WERCs” and “Water Equivalent Residential Customer (“WERC”), amending Section 12.01.030, Schedule of Water Connection Charges, Lateral and Meter Box Sets, and Meter Set Fees, by deleting all reference to WERCs and reducing water connection fees, and other matters properly related thereto. Supervisor Williamson seconded the motion with the addition that the ordinance will be revisited two years after it takes effect. Supervisor Aldean so modified her motion. Motion carried 5-0.**

22. PUBLIC WORKS PLANNING AND ZONING

22(A) ACTION TO ADOPT BILL NO. 118, ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.06, FINAL MAPS, SECTION 17.06.015, TIME LIMIT FOR RECORDING, TO INCREASE THE TIME FOR FILING FINAL MAPS FROM TWO YEARS TO FOUR YEARS AFTER THE INITIAL TENTATIVE APPROVAL, AND TO INCREASE THE TIME FOR FILING SUBSEQUENT PHASE MAPS FROM ONE YEAR TO TWO YEARS; AND AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.09, PLANNED UNIT DEVELOPMENT, SECTION 17.09.055, TIME LIMITS FOR FILING APPLICATION FOR FINAL APPROVAL, TO INCREASE THE TIME FOR FILING FINAL MAPS FROM TWO YEARS TO FOUR YEARS AFTER THE INITIAL TENTATIVE APPROVAL, AND TO INCREASE THE TIME FOR FILING SUBSEQUENT PHASE MAPS FROM ONE YEAR TO TWO YEARS, AND OTHER MATTERS PROPERLY RELATED THERETO (10:34:23) - Mayor Crowell introduced this item. Planning Division Director Lee Plemel reviewed the agenda report, and advised of not having received any public comments since introduction of the proposed ordinance. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to adopt Bill No. 118, on second reading, Ordinance No. 2009-19, an ordinance amending Title 17, Division of Land, Subdivision of Land, Chapter 17.06, Subdivision Final Maps, Section 17.06.015, Time Limit for Recording, and**

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Chapter 17.09, Planned Unit Development, Section 17.09.055, Time Limits for Filing Application for Final Approval, to increase the time for filing final maps from two years to four years after the initial tentative approval, and to increase the time for filing subsequent phase maps from one year to two years, and other matters properly related thereto. Supervisor Walt seconded the motion. Motion carried 5-0.

22(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, TO MODIFY THE DEFINITIONS OF “TRUCK, PICKUP,” AND OTHER TRUCKS AND VEHICULAR EQUIPMENT OF A COMMERCIAL NATURE; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2.3, GENERAL PARKING REQUIREMENTS, RELATING TO THE PARKING OF PICKUP TRUCKS, PANEL VANS, AND OTHER TRUCKS, COMMERCIAL TRAILERS, OR VEHICULAR EQUIPMENT OF A COMMERCIAL NATURE WITHIN RESIDENTIAL ZONING DISTRICTS, AND OTHER MATTERS PROPERLY RELATED THERETO (10:36:17) - Mayor Crowell introduced this item. Mr. Plemel provided background information and reviewed the agenda report in conjunction with a SlideShow presentation. He acknowledged that commercial vehicles are currently disallowed in residential areas. In response to a question, he read into the record Section II, Paragraph 2.3(9) and explained the provisions. Discussion followed, and Supervisor Aldean expressed concern over precluding anyone with a one-acre or larger parcel from parking a truck that exceeds eight feet in height. She expressed further concern over precluding anyone from parking a commercial vehicle on a residential lot if said vehicle is concealed. In response to a question, Mr. Plemel pointed out that commercial vehicles still have to be driven to and from the residential area. He further explained that the current ordinance language prohibits parking a large commercial vehicle on a residential lot even if it is parked in a garage. Supervisor Aldean reiterated concern over infringing on private property rights. In response to a comment, Mr. Plemel suggested that Section II, Paragraph 2.3(9)(c) should be retained in the ordinance. Supervisor Aldean noted that a Chevrolet Suburban weighs 9,600 pounds which is in excess of what would be permitted in the case of a commercial van or truck. She expressed concern over enforcement issues associated with the proposed ordinance, and inquired as to an emergency vehicle exemption.

(10:52:49) Fire Chief Stacey Giomi provided background information on a “lifted” Fire Department Suburban which may exceed the proposed height limitation. He advised that Fire Department personnel do not drive home any “on-call fire vehicle other than a Suburban or a Tahoe.” He clarified that he could not rule out the possibility of a Fire Department employee being required to drive a response vehicle home. He noted the same issue may apply to on-call Public Works Department employees. He requested the Board to consider the possibility of an exemption for on-call City employees based on the “overall good of the community ...”

Mr. Plemel responded to questions of clarification with regard to the Planning Commission’s recommendation to reduce the height limitation to eight feet. Supervisor Walt disclosed that the subject ordinance would impact her family’s business. In response to a question, Mr. Plemel provided background information on the proposed deletion of Section II, Paragraph 9(c). In response to a question regarding trailers, he read the language of paragraph 9 into the record. He noted the difficulty associated with non-commercial trailers used at a residence. Supervisor Walt suggested that a number of exceptions will have to be included in the ordinance language. In response to a question, Code Enforcement Officer Kevin McCoy reviewed the process for responding to complaints. Supervisor Williamson acknowledged Mr. McCoy’s “patience and dedication, ... and wonderful job for the City and for our residents.” In response

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to a further question, Mr. McCoy advised that a criminal citation would be issued requiring an appearance in Justice Court. In response to a further question, he advised of approximately 290 complaints logged as of last Thursday. He further advised that most of the complaints are “referenced foreclosed properties.” He responded to questions of clarification.

In response to a question, Mr. Plemel advised that “parking” is not defined in the code. He advised that loading and unloading is excepted in the current code language; “so if it’s not loading and unloading, it’s parked.” In response to a comment, he advised that vehicle length is defined in the code. Supervisor Livermore expressed concern over enforcement of the proposed ordinance. Mr. Plemel advised that “with cross-over vehicles ..., things are less defined than ever ...” Discussion followed.

Mayor Crowell opened this item to public comment. (11:09:22) Bruce Kittess referenced Supervisor Aldean’s earlier comments with regard to inadequate fuels management creating fire hazards for adjacent property owners. Mr. Kittess advised that he serves on the Lakeview Property Owners Association Architectural Committee. He recalled having contacted the code enforcement division on three occasions “since he’s lived here,” and provided background information on the incidents giving rise to the complaints. He advised that the City of Las Vegas “wouldn’t let a dump truck operate in a residential neighborhood.” He further advised that the Lakeview Property Owners Association celebrated a 30-year anniversary in January 2009. He noted that the City requires CC&Rs in order to approve a subdivision, but refuses to “help the neighbors.” He further noted the property owners’ recourse to file litigation. He expressed concern that the Board was ignoring the Planning Commission’s recommendation.

(11:12:30) Lakeview Property Owners Association President Richard Schneider stated “Carson City Code clearly says that vehicles of a commercial nature are not permitted in a residential neighborhood.” He suggested that the Board is responsible for the community’s vision, and inquired as to their interest in the community being “a rough and tumble, industrial-type city ... or ... the jewel, the state capital in Nevada.” He stated that the “original framers of this existing code ... did say commercial vehicles are excluded and they made an exception ... for pickup trucks and vans. Every reasonable person on the planet knows what a pickup truck is and they know what a van is.” Mr. Schneider commended Mr. Plemel for his diligence over the proposed ordinance and advised of having provided him “a lot of information from cities all over the country ...; went to every manufacturer’s website and got the dimensions ...” He advised of having informed Mr. Plemel that “the old law was just fine, but somehow there were some crazy exceptions like a big van over on Crain Street which really has got way out of hand.” He discussed the requirement to work through the City Manager, the Sheriff, and the District Attorney to address the issue in the Lakeview subdivision. In reference to enforcement, he advised of having provided “plenty of photographs of this activity. [He] followed an employee to Smith Valley to a roofing job where roofing materials were thrown off in his truck. [He] contacted the City dump where they know all three of these trucks and they deliver roofing materials to the dump.” Mr. Schneider expressed appreciation to the Mayor for requesting Mr. Plemel to address this issue last January. He commended Mayor Crowell on his legal skills and his compassion, and expressed the opinion that “this is terribly important to the future of this City that we have neighborhoods that are for neighbors where people can have pride in their property, where their property can increase in value, people can come to this City to visit the Lake, to ride our train, ... maybe drive through our neighborhoods and say, ‘Boy, this is a nice place to live.’” In response to a question, he expressed opposition to pickup trucks “over 20-foot, ... vans over 20-foot; nothing’s over 7 ½-foot. ...

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We're just trying to tighten up. ... There was some aberration that a truck, clearly not a pickup truck, was considered to not be covered because it had an open cargo area in the back and it was used for personal use. ... Who has three personal-use dump trucks in their back yards?"

Supervisor Aldean expressed sympathy for the concerns expressed by the Lakeview property owners, and discussed the importance of "getting it right the first time" in consideration of consistent enforcement and meeting the needs of the citizens "concerned about this issue." In response to a question, Mr. Schneider advised that the property which he had provided reference photographs included in the agenda materials, has "neighbors on both sides and ... right behind ... [which] have erected privacy fences to block out that property." Supervisor Aldean noted that the current code language is "pretty explicit." She inquired as to the method by which the proposed ordinance language would be used to resolve the problem. Mr. Schneider stated, "... it would exclude these three, big dump trucks." Supervisor Aldean acknowledged that dump trucks are not allowed, but noted the property owner is non-compliant because the dump trucks "are in full view of adjacent parcels." She noted that the property owner is in violation of the existing code "and we haven't been successful in remedying the problem." She expressed concern over enforcement. Mr. Plemel advised that the dump trucks are parked elsewhere, and Mr. Schneider stated, "they appear every now and then." Mr. Schneider reviewed home occupation law criteria, and advised "this property has a panel van with two ladders on top and two pickup trucks." He acknowledged that the problem has been partially resolved. He reiterated that the Board of Supervisors was "elected to create the City you want and it's entirely up to you." He listed the cities in which he's lived and worked over the years, and advised that "stuff like this ... nobody would even have to make a phone call" in cities like Thousand Oaks, California and Vienna, Virginia.

Supervisor Walt expressed support for neighborhoods, and concern over home businesses operated from one-acre or larger lots. In response to a question, Mr. Schneider expressed concern over the City's home occupation laws and a preference for having an attorney rather than a roofing contractor as a neighbor.

Mr. Werner reviewed the criteria involved in determining a code violation versus a neighborhood dispute, and discussed the importance of judgment "from a public standpoint." "If, in fact, we do a diligent evaluation, from a public perspective, and it doesn't appear to be an egregious violation, we finally say, ... 'You need to deal with your neighbor.'" He suggested this may be the background for the subject item "because we hadn't had any other complaints on this vehicle other than Mr. Schneider's." In evaluating the complaint, from a public standpoint, City staff didn't see an issue. In discussing the issue with code enforcement staff, Mr. Werner considered it a neighborhood dispute, and suggested it should be addressed within the parameters of the subdivision's CC&Rs. He emphasized that City staff cannot become involved in resolving neighborhood disputes.

In reference to Mr. Schneider's comments, Mr. Plemel advised that home occupation permit standards are sometimes an enforcement issue. In reference to an earlier question regarding existing businesses on one-acre parcels, he advised that code enforcement officers are unable to monitor and take action on "every single thing that they see." He further advised that code enforcement officers are "not going into people's back yards and looking over the fence ..." He noted that the existing code has not allowed commercial vehicles in the back yards of one-acre lots. He reiterated that the code enforcement division is "largely complaint driven."

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Mayor Crowell entertained additional public comment. (11:29:44) Chet Alexander, a resident of Crain Street, expressed the opinion that everyone “can tell what a pickup truck is.” He described a pickup truck, and suggested “you also can tell what a commercial vehicle looks like because it has a ‘Smith’s Plumbing’ on it ...” He suggested “it’s not difficult to make this decision.” He advised of a neighbor who has commercial deliveries from Western Nevada Supply “about once a week.” “We make complaints; nothing ever seems to happen ...”

Mr. Plemel clarified that a commercial vehicle, as defined, is “not a vehicle with a sign on it ...” He explained that a commercial vehicle is allowed in a residential district “if it’s a pickup truck, it could have signs on it, ... within a certain size for personal transportation that you drive home.” He emphasized that the definition of a commercial vehicle is not related to signs on a vehicle, and responded to questions of clarification.

Supervisor Williamson suggested eliminating the weight limit for panel vans. Mr. Plemel was uncertain as to the history, in the code language, of the weight limitations for passenger vans, and advised of examples of Chevrolet passenger vans which exceed the weight limit. Supervisor Williamson noted that the complaint process is “a legal process,” requiring “some kind of justification for establishing your opinion.” Supervisor Aldean expressed the opinion that an exception for emergency vehicles should be included in the ordinance language. She expressed a preference for staff to resubmit the ordinance with specific language that would remove the panel van weight limitation, add the word “manufactured” before the words “maximum height of eight feet” in the definitions, and add language to specifically exclude emergency and on-call city vehicles. In consideration of Section II, Paragraph 9(c), she expressed a preference to make an exception for large parcels. She suggested leaving the paragraph and eliminating the reference to commercial.

(11:37:06) Mr. Schneider discussed the “unique problem ... with Lakeview and ... Timberline that maybe the parcels are large but they’re very vertical. ... That’s why ... we have some issue with the one acre because ... Lakeview is entirely a residential neighborhood.”

Supervisor Aldean inquired as to the possibility of distinguishing between one-acre lots on the west side and one-acre lots on the east side. Mr. Werner suggested this as the primary reason for CC&Rs “so that ... the property developer could recognize those differences” and impose more specific restrictions than the City. He expressed the opinion that distinguishing between one-acre parcels on the west and east sides of the City will be “very, very difficult.” Supervisor Aldean reiterated the preference for staff to resubmit the ordinance with the previously-noted revisions. She responded to questions of clarification regarding her suggested revision to paragraph 9(c). Mr. Benton acknowledged that removing the word “commercial” from paragraph 9(c) would still preclude parking a commercial vehicle on a one-acre parcel. “We’re still going to have standards regardless if it’s commercial or non-commercial. It’s the standard of the size of the pickup truck or van.”

Mayor Crowell entertained a motion. Supervisor Aldean requested staff to resubmit the ordinance in two weeks with “the suggested language changes and with a clever way of addressing this distinction between the west and east parts of town.” Mayor Crowell expressed reluctance to distinguish between areas of town. “We all are one community.” He expressed support for the ordinance “the way it’s drafted as it came out of the Planning Commission.” He expressed understanding for removing the weight limitation for panel vans, adding the word “manufactured,” and making an exception for emergency and / or on-call

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vehicles. He expressed the opinion that removing the word “commercial” from paragraph 9(c) doesn’t make any substantive change to the Planning Commission’s recommendation. Discussion followed.

(11:46:36) Mr. Schneider expressed the opinion “we keep getting afield.” He reiterated that the “framers prohibited vehicles of a commercial nature from neighborhoods with the exception of pickup trucks and vans. We, in Lakeview, are fine with pickup trucks and vans ... just so we have city management that will enforce the existing law.” He further reiterated that the existing code is enforceable. “These three large trucks were clearly a violation of the law.” Mr. Schneider apologized for disputing Mr. Werner, but expressed opposition to the City characterizing the Lakeview issue as “a neighborhood spat.” In reference to “Crain Street,” he suggested “things got way out of hand.”

Mr. Plemel expressed the opinion that treating all zoning districts the same “is the best.” “To Mr. Schneider’s concern, ... in terms of that truck, ... we’ve corrected our interpretations there already that they cannot be parked on that site and, under the new ordinance, those types of vehicles ... will not be parked on site regardless of paragraph (c) ...” In response to a question, the Board members assured Mr. Plemel that direction was not to be “more lenient than current code ... on one acre.” Mr. Plemel expressed the opinion that the proposed ordinance addresses “Mr. Schneider’s issue on the west side even with paragraph 9(c).” Mayor Crowell summarized the Board’s direction, as follows: Re-agendize the proposed ordinance in two weeks with revisions to eliminate the weight issue, except emergency and / or on-call vehicles, add the word “manufactured” to the definition of truck, pickup, and consider the effect of leaving paragraph 9(c) without the word “commercial.” Mayor Crowell discussed the importance of a nice-looking community and being good neighbors, in consideration of the declining economy.

22(C) ACTION TO APPROVE A REQUEST FOR A TWO-YEAR EXTENSION OF THE FINAL MAP FOR A TENTATIVE SUBDIVISION MAP KNOWN AS SCHULZ RANCH, LOCATED BETWEEN CENTER DRIVE AND BIGELOW DRIVE (11:51:01) - Mayor Crowell introduced this item, and entertained objections or public discussion. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to approve a request for a two-year extension of the final map for a tentative subdivision map, known as Schulz Ranch, located between Center Drive and Bigelow Drive. Supervisor Livermore seconded the motion. Motion carried 5-0.** Mayor Crowell recessed the meeting at 11:52 a.m. and reconvened at 12:03 p.m.

23. CITY MANAGER

23(A) ACTION TO APPROVE THE PROPOSED TARGETS ESTABLISHED FOR THE PERFORMANCE MEASURES INCLUDED IN THE 2009 / 2010 BUSINESS PLAN UNDER THE SAFE AND SECURE COMMUNITY PERSPECTIVE (12:29:12) - Mayor Crowell introduced this item, and Mr. Werner provided background information. Linda Ritter provided additional background information, and reviewed the proposed targets which were included in the agenda materials and displayed in the meeting room. She responded to questions of clarification. (12:37:09) Sheriff Ken Furlong reviewed the proposed crime rate targets, as included in the agenda materials and displayed in the meeting room.

Supervisor Aldean expressed concern over the Board members, as lay persons, establishing realistic targets for areas of City service covered by professionals. Ms. Ritter emphasized that the targets are proposed by the professional City department heads, and advised that the Board will be in a position to determine improvements from year to year. Supervisor Aldean noted the implied assumption that the targets, as proposed by the professional City department heads, can be reasonably achieved. She expressed concern

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over establishing targets so high “that we constantly fail.” Ms. Ritter noted that targets are tied to budget decisions, and discussion followed.

Mayor Crowell entertained a motion. **Supervisor Williamson moved to approve the targets established for the performance measures included in the 2009 / 2010 Business Plan under safe and secure community perspective, as proposed by Sheriff Ken Furlong, Fire Chief Stacey Giomi, and City staff. Supervisor Aldean seconded the motion.** Mayor Crowell entertained public comment; however, none was forthcoming. He advised of having requested citizens to review the information available via the City’s website, and invited citizen input. Supervisor Livermore suggested providing the Board’s advisory committees with the information, and discussion followed. Mayor Crowell called for a vote on the pending motion; **motion carried 5-0.**

23(B) REVIEW OF THE CARSON CITY OPERATIONS SCORECARD AND REPORTING OF MEASURES AND INFORMATION AFFECTING THE 2009 / 2010 BUSINESS PLAN (12:52:54) - Ms. Ritter reviewed the briefing book included in the agenda materials and displayed in the meeting room. (12:53:48) Fire Chief Stacey Giomi referred to presentation of the Carson City Community Wildfire Protection Plan earlier in the meeting, and discussed the fuels management program. (12:54:49) Sheriff Ken Furlong provided background information on traffic accidents in the area of South Carson Street, and discussion followed. Supervisor Walt commended Sheriff Furlong on the law enforcement presence in school zones. Sheriff Furlong advised of an initiative for which Sheriff’s Office personnel is preparing that “will help enhance pedestrian safety.” At Ms. Ritter’s request, Sheriff Furlong reviewed the crime rate portion of the scorecard. (1:02:57) Public Works Department Director Andrew Burnham reviewed that portion of the scorecard pertinent to the community’s water. Ms. Ritter reviewed a chart indicating reductions in fuel usage since February 2007, and Mr. Burnham provided background information. (1:05:10) Health and Human Services Department Program Manager Kathy Wolfe reviewed that portion of the scorecard pertinent to public health services. Supervisor Livermore suggested the possibility of tracking referrals, and discussion ensued. Ms. Ritter advised that as individual department scorecards are developed, many of the measures and information will be further refined.

Ms. Ritter reviewed data pertinent to the “Vibrant, Diverse, and Sustainable Economy” objective, and taxable sales charts, as included in the agenda materials and displayed in the meeting room. Mr. Werner discussed plans to develop a five-year projection. In response to a question, he explained the method by which each department will enter monthly data once the targets are established. He will meet with staff, on a regular basis, to review the briefing book data prior to regular Board meetings and will, in turn, provide monthly reports to the Board.

Supervisor Williamson commended the operations scorecard project, and Ms. Ritter and City staff on developing the process. She discussed the importance of quantifying the Board’s goals and objectives, noting that the operations scorecard represents a “fact-based” method for “confronting rumors, championing and celebrating the good things that we’re doing in this community, and ... working toward the goals that this Board established ...” Mr. Werner advised that once the reports are presented to the Board, they will be posted to the City’s website. Mayor Crowell advised of having discussed, with a constituent, the importance of performance measures being available via the City’s website.

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Ms. Ritter explained that projects are established “as initiatives under this program,” and demonstrated the method by which to review the 2009 / 2010 projects. Discussion followed, and Mayor Crowell thanked Ms. Ritter for her presentation.

23(C) DISCUSSION AND POSSIBLE ACTION ON THE MEMBERSHIP OF THE CARSON CITY AUDIT COMMITTEE (12:04:00) - Mayor Crowell introduced this item. Mr. Werner provided background information and reviewed the agenda report. Mayor Crowell advised of having considered the City’s “accountability system.” He discussed the importance of transparency and independence in consideration of general accounting and finance matters; “to make sure that we have a sound process that leads to a good ..., unvarnished result ... to allow this Board to make informed judgments on ... the finances of our City.” He suggested considering the matter as a four-legged stool, with an external auditor who is responsible to ensure the City is complying with the government accounting standards board and that internal controls are adequate. He noted the requirement in the City Charter for an internal auditor, who is charged with ensuring the City is, in fact, complying with external audit requirements, with applicable laws, and to oversee and inform the Board regarding issues of finance and performance. He discussed the performance measures, agendaized as part of item 23(A), to ensure the City is accomplishing its mission. In consideration of the audit committee, he expressed a preference to restructure it as a finance committee comprised of individuals with “a good, strong financial background who are able to perform a myriad of functions for the City and, in particular, the Board of Supervisors on anything that has to do with finances in our community ...” He expressed the opinion that the audit committee ordinance is fairly comprehensive and flexible. He expressed the further preference that the finance committee is not comprised of City employees, and reiterated the importance of individuals, “well grounded in finance who we can look to have an independent viewpoint ...” He expressed the opinion that the audit committee ordinance “would allow us to do that.” In consideration of audit committee membership, he noted the importance of independence and agreed that the finance director should not be a voting member. He expressed the opinion that, “from an independent standpoint, if we use the audit committee as what it’s supposed to be, ... a technically proficient group of individuals who are going to look at finance issues that this Board may direct,” there is no need to have a Board member on the audit committee. He expressed the opinion that if the audit committee is properly comprised so that it has access to information, there is no requirement to have Board members on it. For discussion of this item, he suggested considering leaving the responsibilities as they are, changing the name to a finance committee, and reducing the membership to three citizens who, according to the ordinance, have five years of financial background. He emphasized the goal to create a system of accountability with trustworthy, credible results on which the Board can make informed decisions.

Supervisor Livermore advised of having discussed the audit committee with Mayor Crowell over the past several months, and expressed respect for his opinion. Supervisor Livermore expressed the opinion that there are “two options to work with an internal auditor: that this Board of Supervisors is the audit committee ... or the formation of an audit committee ...” He expressed concern over the accountability of a three-member finance committee comprised of citizens. He provided background information on the City Charter requirement for an internal auditor, and noted the recent decision to outsource the internal auditor function. He reiterated concern that the Board “would transfer its ... constitutional obligation to this community to a committee of people and an outside firm that we basically have no oversight of ...” He expressed additional concern over the auditor’s findings “in that format” being “acceptable in any form or fashion without Board involvement.” He expressed the belief there are two options: “either return the Board to the audit committee or give the audit committee ... the legitimacy of what the Charter called for

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when we adopted that and to fill it with citizens-at-large with the required background ... with one or two Board members on it ...” He reiterated concern that “an independent out there on its own ... doesn’t serve the role in the Charter definition of what our constitutional, legitimate responsibilities are.”

Supervisor Williamson acknowledged the importance of the audit committee to Supervisor Livermore, but expressed the opinion that “no matter who is the internal auditor, they work for the Board of Supervisors.” She expressed the further opinion that the Mayor’s proposal provides “three sets of fresh, experienced eyes taking a look at some of the reports.” She expressed the hope that “it will be on a more inclusive and open basis than it may have been in the past.” She expressed support for the audit committee to be comprised of three citizens.

Supervisor Aldean acknowledged the positions expressed thus far, and expressed concern over two members of the Board of Supervisors serving on “any committee.” She noted the statutory requirement for two Board members to serve as Regional Transportation Commissioners. She discussed the potential for stifling “free thought and independent discourse” with two elected officials on the same committee. She agreed there should be a “conduit” between the Board of Supervisors and the audit committee, and recommended four citizens-at-large with finance backgrounds.

Supervisor Walt expressed support for a Board member to serve on the audit committee, emphasizing that the audit committee reports to the Board. Supervisor Williamson advised of never having previously considered a committee comprised of three citizens, but suggested it “solves a lot of problems.” She noted that the internal auditor will work for the Board of Supervisors, which will establish the work plan and its priorities which, in turn, is conveyed to the audit committee with appropriate staffing and access to information. The audit committee would provide recommendations and the internal auditor would report back to the Board. In response to a question, Mayor Crowell expressed the understanding that Supervisor Williamson had described the audit committee’s function as delineated in the current ordinance. Supervisor Williamson noted that the City never had an audit committee, and discussed the internal auditor’s function to report to the Board. Supervisor Livermore discussed his goal to ensure “this Board has the independence to ... direct the auditor to do what work this Board believes, by unanimous vote, of what should be done.” He further discussed the functions of the audit committee, and expressed concerns that the citizens-at-large will have difficulty understanding “what has transpired over the period of time, through budget hearings, through operational reports, through all the stack of information we get meeting after meeting after meeting, and the background we’ve all come to learn from our own experience and involvement in this operation. That’s what makes us good Board members to find and support an audit plan because we have to have background on that.” He reiterated the two options for the Board to “become the audit committee again or you can let the audit committee function as ... the committee charter describes it to be ...”

Mayor Crowell clarified he was not suggesting any change to the audit committee duties, and reiterated that the ordinance is well-drafted with “good latitude.” He reiterated concern over the audit committee’s independence, and expressed agreement with Supervisor Williamson that the Board will establish the audit parameters. He expressed uncertainty that this is facilitated by Board members serving as audit committee members to “essentially duplicate what this Board would be doing in terms of direction.” Mayor Crowell expressed sensitivity to establishing a conduit between the City and the audit committee, and read into the record a pertinent portion of the audit committee ordinance. “They don’t need a Board member to tell the City management to get somebody there to help us.” Mayor Crowell reiterated the recommendation for a “high-quality committee of finance people” and “let the Board be its policy position.” He expressed

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support for leaving the audit committee responsibilities as they are delineated in the ordinance, and limiting the membership to three. He read into the record the citizen-at-large membership criteria, commended it, and inquired as to what a Board member would add. Supervisor Livermore reiterated that the Board members have “background on the City’s operation, the policies and procedures that we’ve adopted, the budget presentations ..., the financials that are ours to manage to make sure that the resources that we have are applied, that the most equitable way to get the biggest bang for the buck ... There’s no other way to replace that because this audit committee would never attend every ... meeting of the Board of Supervisors, never serve on multiple committees throughout the organization, and never have a presence in City departments or the City office that we do day after day after day.”

Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Williamson moved to advertise for new members of the audit committee that will consist of three at-large citizen members meeting the qualifications established in the audit manual. Mayor Crowell seconded the motion. Motion failed 3-2.**

Mayor Crowell entertained a motion. **Supervisor Livermore moved to rearrange the membership of the audit committee to include four citizens at large and one member of the Board of Supervisors, the four citizens to be chosen from the existing list of applicants. Supervisor Aldean seconded the motion.** Mayor Crowell called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 3-2.**

24. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (1:19:47) - Supervisor Livermore advised that the National Guard will be assisting to remove cars from the River on September 11th. He provided background information on the process. Supervisor Williamson advised of having ridden on the V&T Railroad, together with other Board members, last Friday, August 14th. She reviewed the contributions to the reconstruction project, as follows: Carson City Convention and Visitors Bureau has contributed \$6 million; Carson City has contributed, through the Board of Supervisor and a 1/8 cent sales tax increase, \$15 million. In consideration of these contributions, she suggested that Carson City residents should be entitled to a ticket discount. A brief discussion ensued. Mayor Crowell advised of having attended Singapore’s 44th National Day in San Francisco, and of having presented a Carson City coin as a gift. He further advised that the Counsel General noted his presence, as a special guest, during his speech. Mayor Crowell advised of having emphasized with the Pacific Rim diplomats in attendance that Carson City “is a global player.”

STAFF COMMENTS AND STATUS REPORTS

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25. ACTION TO ADJOURN (1:23:27) - Supervisor Aldean moved to adjourn the meeting at 1:23 p.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the August 20, 2009 Carson City Board of Supervisors meeting are so approved this 17th day September, 2009.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder