

Item # 22

**City of Carson City
Agenda Report**

Date Submitted: July 2, 2010

Agenda Date Requested: July 15, 2010

Time Requested: 15 Minutes

To: Board of Supervisors

From: Donna DePauw, Chair - Charter Review Committee

Subject Title: Status report and briefing on the work of the Charter Review Committee.

Staff Summary: The Charter Review Committee will provide a briefing of their meetings held on March 30, 2010, May 25, 2010 and June 29, 2010.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☐ Formal Action/Motion

☒ Other (Specify) Status Report Only

Does This Action Require A Business Impact Statement: ☐ Yes (☒) No

Recommended Board Action: No Action, report only

Explanation for Recommended Board Action: N/A

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Fiscal Impact: None

Explanation of Impact: N/A

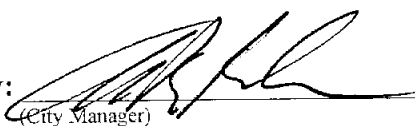
Funding Source: N/A

Alternatives: N/A

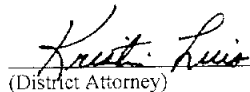
Supporting Material: Charter Review 2010 brochure, 2010 CRC actions and CRC meeting minutes for March 30, 2010, May 25, 2010 and June 29, 2010 (motions only).

Prepared By: Janet Busse, Office Supervisor

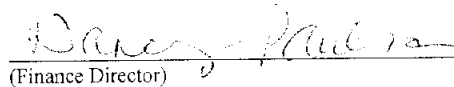
Reviewed By:


(City Manager)

Date: 7/6/10


(District Attorney)

Date: 7/6/10


(Finance Director)

Date: 7/6/10

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

OVERVIEW OF CARSON CITY GOVERNMENT

Founded in 1861 the Nevada Territory was formed, and Carson made its capital. Nevada was granted statehood on Oct. 31, 1864. Of the 17 counties in Nevada, only Carson City and Virginia City have remained county seats since the beginning of statehood. The debate concerning consolidation of Ormsby County and Carson City continued for some 20 years. Finally, the process was formally initiated and, after two legislative sessions, and a favorable statewide vote by the citizens in 1966, the required constitutional amendment was ratified by the electorate in November 1968. Thereafter the 55th Session of the Legislature passed Senate Bill No. 75 and Ormsby County and Carson City were thereby consolidated into one municipal government known as Carson City Consolidated Municipality.

The Charter was approved on April 1, 1969. The local governing body is composed of a five-member elected representation called the Board of Supervisors. The Mayor and four Supervisors are elected by and accountable to the voters. All of the members of the Board serve 4-year staggered terms. The Mayor and Supervisors from Wards 2 and 4 are elected during Presidential election years. The Supervisors from Wards 1 and 3 are elected during off-Presidential election years.

The Board of Supervisors establishes city policies, ordinances and land uses; approves the City's annual budget, contracts, and agreements; hears appeals of decisions made by city staff or citizen advisory groups.

The City Manager is the chief executive officer of the City and provides the leadership and direction for the administration, operation and management of all City departments. The City Manager is responsible for the enforcement of all laws and ordinances; coordination and delivery of all municipal programs and services; and making recommendations to the Mayor and Board of Supervisors as appropriate concerning the operation, annual budget and future needs of the City.

HOW CAN THE GENERAL PUBLIC PARTICIPATE?

In addition to suggestion submissions prior to the Committee's first review (see inside "What Issues Will The Charter Review Committee Examine?"), all meetings are open to the public. Public comment begins each meeting and accompanies each agenda item. Additionally throughout the process, online comments and suggestions are welcome at www.carson-city.nv.us. All comments are included in the next committee meeting agenda materials.

Subscribe to email updates from Janet Busse at jbusse@ci.carson-city.nv.us.

Community meetings are scheduled to provide information about the Charter Review Committee and to encourage participation in the review process.

CARSON CITY CHARTER REVIEW COMMITTEE MEETING SCHEDULE

(subject to change — additional meetings may be added if necessary)

March 30, 2010 - 5:30

Capitol Conference Room (first meeting orientation only)

May 25, 2010 - 5:30

June 29, 2010 - 5:30

July 15, 2010 - presentation to B.O.S

FMI:

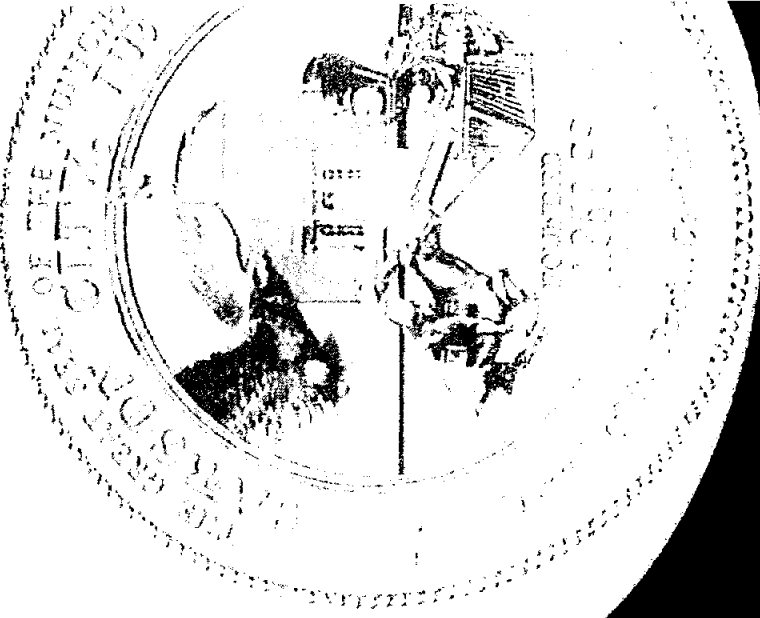
Larry Werner

City Manager Carson City
887-2100

lwerner@ci.carson-city.nv.us

Carson City

Charter Review Committee



charter review

2010

charter review committee

City Hall
201 N. Carson Street, Suite #2
Carson City, Nevada 89701

Carson City Charter Review Committee

BACKGROUND INFORMATION ON CITY CHARTER

What is a city charter?

A city charter acts as a constitution for a city. The charter can only be amended or repealed by the Nevada Legislature.

When was the City's charter adopted?

The City's current charter dates from 1969. There have been numerous amendments over the years.

What is the purpose of the Charter Review Committee?

The governing ordinance requires that proposed amendments to the Charter be heard and debated by the Committee, who then advises the Board of Supervisors with regard to recommendations of the Committee that concern necessary amendments to the Charter. Additionally the Committee assists the Board in the timely preparation of such amendments for presentation to the Legislature on behalf of the City.

How long will the Charter Review Committee's review take?

It is expected the Committee will meet 2 times (May & June) to consider community input. Additional meetings may be scheduled if it is necessary to review proposed amendments or additions. The Committee is required to present a written report of preliminary recommendations to the Board of Supervisors by July 6, 2010. There will be a final meeting where the Committee will present proposed amendments to the Board of Supervisors, scheduled for July 15, 2010.

WHAT ISSUES WILL THE CHARTER REVIEW COMMITTEE EXAMINE?

Public input for suggestions is requested and encouraged. Between April 12 thru May 14 suggestions are being collected online at www.carson-city.nv.us find the homepage *Charter Review Committee* hotlink. Or send suggestions to: Charter Review Committee Suggestions, c/o Janet Busse, 201 N. Carson Street, Suite #2, Carson City, Nevada 89701.

COMMITTEE MEMBERS

The Committee has been appointed by the Board of Supervisors and local State officials as an advisory body to review the City's current charter and make recommendations to the Board of Supervisors for possible changes to the Charter.

- Stephen Lincoln
appointed by Supervisor Shelly Aldean
- Donna DePauw - Committee Chair
appointed by Supervisor Pete Livermore
- Ernie Adler, Esq. - Committee Vice Chair
appointed by Supervisor Robin Williamson
- Chris MacKenzie, Esq.
appointed by Supervisor Molly Walt
- Bruce Robertson
appointed by Mayor Bob Crowell
- Gail Parsons
appointed by Assemblywoman Bonnie Parnell
- Ronald Allen
appointed by Assemblyman Tom Grady

Staff to Committee:

City Manager Larry Werner & Office Supervisor Janet Busse
Kathy King, Deputy Clerk / Recording Secretary
Melanie Bruketta, Chief Deputy District Attorney

CARSON CITY CHARTER REVIEW COMMITTEE MEETING SCHEDULE

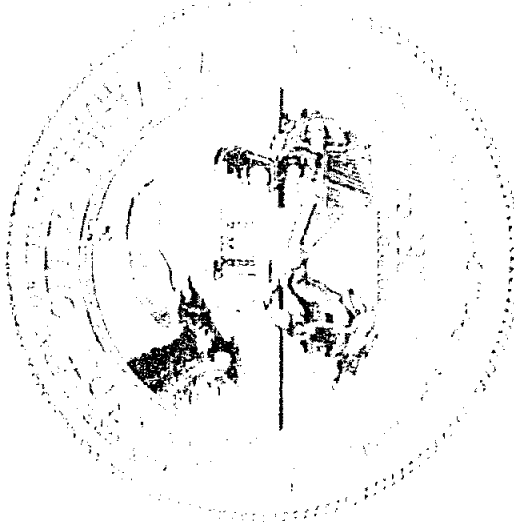
(Subject to change — additional meetings may be added if necessary)

March 30, 2010 5:30
Capitol Conference Room (first meeting orientation only)

May 25, 2010 5:30

June 29, 2010 5:30

July 15, 2010 presentation to B.O.S.



For information on topics that the Charter Review Committee will be discussing on the above meeting dates, please visit the Committee's website at www.carson-city.nv.us - click on the homepage hotlink. A detailed agenda outlining topics gleaned from citizen input as well as additional materials is available on the website.

2010 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to Article 6, Section 6.010 of the Charter regarding bicycle paths and pedestrian walk ways.	Action was taken not to recommend the amendment due to the fact it can be taken care of by the Board of Supervisors. Motion carried 5-2
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding district lines and reapportionment whereby the total incorporated area of Carson City be included in one district rather than three.	Action was taken not to recommend the amendment but to request the Board of Supervisors to strongly express that Carson City should try and be, as much as practical, put into one assembly district. Motion carried 7-0
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to Article 2 of the Charter regarding the specific job duties and responsibilities of the Board of Supervisors.	Action was taken to remove this item. Motion carried 7-0 <i>Note: The person who submitted this amendment requested to withdraw this item from consideration.</i>
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to Section 2.170 of the Charter regarding abatement of excessive noise that has a negative effect on the quality of life of residents.	Action was taken not to recommend a Charter amendment as the Board of Supervisors has the necessary authority to enact a noise ordinance. Motion carried 4-3 Note: CRC recommends the BOS enact a noise ordinance "so this item is not revisited by the committee two years from now."
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding any subsidizing of sewer and water hookups be put to a vote of the people.	Action was taken to remove this item. Motion carried 7-0 <i>Note: The person who submitted this amendment requested to withdraw this item from consideration.</i>
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding any sales and property tax increases be put to a vote of the people.	Action was taken not to recommend the amendment to the Board of Supervisors because of the current constitutional structure. Motion carried 7-0

May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to Section 2.320 of the Charter regarding a comprehensive review of all advisory boards and their members.	Action was taken not to recommend the amendment to the Board of Supervisors because adequate authority exists under the current Charter. Motion carried 7-0
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter to include a "Mission Statement" as the first article in the Carson City Charter.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 7-0
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter requiring mandatory garbage service for Carson City residents.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 7-0
May 25, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding the explosion in the cost of government by reducing or eliminating services and eliminating automatic compensation increases.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 7-0
May 25, 2010		Action was taken to continue this item to the next meeting and bring forth more information, specific encumbrances, examples from other counties and charters. Motion carried 7-0
June 29, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 5-1 Note: Chairperson DePauw requested staff make the Board aware of the concerns expressed. (Attached is the excerpt from the May 25, 2010 CRC meeting. A copy of the excerpt from the June 29, 2010 CRC meeting will be provided to the Board when it is completed.)
June 29, 2010	Discussion and possible action to recommend to the Board of Supervisors an amendment to the Charter requiring that a grand jury be impaneled at least once every four years.	Action was taken not to recommend this amendment to the Board of Supervisors. Motion carried 5-1

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the March 30, 2010 Meeting

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

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ernie Adler
Member Stephen Lincoln
Member Chris MacKenzie
Member Gail Parsons
Member Bruce Robertson

STAFF: Larry Werner, City Manager
Melanie Bruketta, Chief Deputy District Attorney
Janet Busse, City Manager's Office Supervisor
Kathleen King, Recording Secretary

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

1 - 2. CALL TO ORDER AND ROLL CALL (1-0007) - Chairperson DePauw called the meeting to order at 5:31 p.m. Roll was called; a quorum was present. Vice Chairperson Allen was absent.

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

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

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

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

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

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

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

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

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

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

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

DONNA DePAUW, Chair

CARSON CITY CHARTER REVIEW COMMITTEE
Minutes of the May 25, 2010 Meeting
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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, May 20, 2010 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ernie Adler
Member Ron Allen
Member Stephen Lincoln
Member Chris MacKenzie
Member Gail Parsons
Member Bruce Robertson

STAFF: Larry Werner, City Manager
Melanie Bruketta, Chief Deputy District Attorney
Janet Busse, City Manager's Office Supervisor
Deborah Gottschalk, Recording Secretary

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

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

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

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

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

6. AGENDA ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DONNA DePAUW, Chair

CARSON CITY CHARTER REVIEW COMMITTEE

May 25, 2010

Corrected Motion for Item 6B

Vice Chairperson Adler moved to recommend not amending the Charter, but to request the Board of Supervisors to strongly express that Carson City should try and be, as much as practical, put into one assembly district. Member Lincoln seconded the motion. Motion carried 7-0.

CARSON CITY CHARTER REVIEW COMMITTEE

Motions from the June 29, 2010 Meeting

6A. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING LANGUAGE THAT WOULD PROTECT ESCROWS FROM ENCUMBRANCES (1-0415) - Member Lincoln moved to recommend to the Board of Supervisors an amendment to the Charter requiring language that would protect escrows from encumbrances. Motion died for lack of a second. Chairperson DePauw entertained an additional motion. **Member Parsons moved to not recommend to the Board of Supervisors an amendment to the Charter regarding language that would protect escrows from encumbrances. Member Allen seconded the motion. Motion carried 5-1.** Chairperson DePauw requested Mr. Werner and Ms. Busse to make the Board aware of the concerns expressed at this meeting.

6B. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REQUIRING THAT A GRAND JURY BE IMPANELED AT LEAST ONCE EVERY FOUR YEARS (1-0730) - Chairperson DePauw entertained a motion. **Member Robertson moved to not recommend to the Board of Supervisors an amendment to the Charter requiring that a grand jury be empaneled at least once every four years. Member Allen seconded the motion. Motion carried 5-1.**

6C. DISCUSSION AND POSSIBLE ACTION ON A DATE FOR A JOINT MEETING WITH THE BOARD OF SUPERVISORS AND THE CHARTER REVIEW COMMITTEE (1-0802) - Member Lincoln moved to agendize the joint meeting between the Board of Supervisors and the Charter Review Committee for July 15, 2010. Vice Chairperson Adler seconded the motion. Motion carried 6-0.

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

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ernie Adler
Member Ron Allen
Member Stephen Lincoln
Member Chris MacKenzie
Member Gail Parsons
Member Bruce Robertson

STAFF: Larry Werner, City Manager
Melanie Bruketta, Chief Deputy District Attorney
Janet Busse, City Manager's Office Supervisor
Deborah Gottschalk, Recording Secretary

NOTE: This excerpt was prepared at the request of City Manager's staff. A recording of the entire proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

6-J. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING LANGUAGE THAT WOULD PROTECT ESCROWS FROM ENCUMBRANCES (1-1889) - Chairperson DePauw introduced this item. Sierra Nevada Association of Realtors ("SNAR") Government Affairs Director Sara Ellis advised that the SNAR "has been asked by elected officials, appointed officials, etc. to come up with solutions that might help the real estate market." She further advised that the SNAR Government Affairs Committee advised of consideration given to making "our community ... a place where real estate transactions are protected and not encumbered by over-reaching regulations that might cause escrows to fall through ..." She requested the committee to consider a recommendation to the Board of Supervisors to amend the Charter to prohibit escrow encumbrances through regulations. She discussed a bill proposed during the last legislative session "which would have required an energy audit before the close of escrow." She advised that energy audits "can range ... between \$4,000 and \$7,000. Anybody who's ever been through an escrow process knows that when you have to pay for that kind of situation before you can close escrow, that's a direct hit on equity ..." In consideration of such requirements and the current real estate market, Ms. Ellis discussed concerns associated with precluding both purchase and sale of real estate. She reiterated the request for the committee to consider a recommendation to the Board of Supervisors to amend the Charter to protect escrows from regulatory encumbrances. She explained that, unlike adjacent jurisdictions, Carson City has no point of sale regulations or escrow encumbrances. She responded to questions of clarification, and discussion ensued.

In response to a question, Ms. Bruketta expressed concern over the potential for the Board of Supervisors "ty[ing] their own hands and not ever be able to put ... regulations on that are appropriate." She suggested

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the importance of researching regulations imposed by adjacent jurisdictions. "Maybe there's something missing that would protect innocent buyers or others from purchasing a property that might not be conforming." Chairperson DePauw suggested re-agendizing the item "for the next meeting with more information from ... the surrounding cities and how they work." Ms. Bruketta suggested the recommendation would be more appropriate as an ordinance, not as a charter amendment.

In response to a question, Ms. Ellis stated, "We view this as Carson City saying, 'escrows are not something we're going to play with. That is a contract. It's a relationship that exists between willing buyer, willing seller and is not going to be looked at, by this government agency, as a regulatory tool.'" Member Lincoln expressed the opinion that amending the Charter would communicate that "Carson City is reassuring private property rights because that's what it comes down to. People should have a right to transfer their property without somebody else, not party to the transaction, being a police entity making sure something else is taken care of before that happens. You have a right to convey your property." In response to a question, he advised of having "felt this way for years, especially seeing some of the surrounding governments and the fact that we are in a unique position to be able to put it in the Charter that we respect private property rights, together with the fact ... we need people to come in and invest in Carson City."

In response to a question, Ms. Ellis clarified she was "talking about local regulations that must be adhered to before escrow can close." In response to a further question, she reiterated the example of an energy audit. In response to a further question, she clarified she was "talking about retrofits that must be done to the home before it can sell." Mr. Werner expressed concern over the recommendation in that "the builder may elect to do something ... that if you go to sell it, you may need to bring it up to a code that wasn't there at the time ..." Ms. Ellis discussed the example of "pool barriers," as proposed during the last legislative session. Member Lincoln clarified that "the thought in that legislation was anything over three feet deep." Ms. Ellis clarified that realtors are supportive of pool safety. "We just feel that escrow is not how you solve that problem. You solve that problem through whatever other type of ordinance, code enforcement ..., but escrow is not how you solve the problem." Discussion followed, and consensus of the committee members was an interest in reviewing the escrow regulations imposed by adjacent communities. Chairperson DePauw requested Ms. Ellis to bring adjacent counties' written regulations to the next meeting.

Chairperson DePauw opened this item to public comment. [Steve Waclo provided public comment which is set forth in the draft minutes to be submitted to the committee for review and approval at the June 29th meeting.]

Ms. Bruketta suggested that the proponent provide information relative to how the recommended Charter amendment would not conflict with the requirement for the Board of Supervisors to safeguard the public health, safety, and welfare in Carson City. She responded to questions of clarification, and Mr. Werner discussed the importance of sufficiently explaining the ramifications of the suggested Charter amendment to the Board of Supervisors. Member Lincoln reiterated "the whole idea ... to allow people to close escrow, to sell their property, to buy property without having anybody else having to be a police force." In response to a question, he advised that "right now, with all the foreclosures and short sales we have going on ... 90 percent of the homes are sold 'as is'. So you have your inspector go through and he'll say, 'This is wrong, that's wrong,' and if you want the house, you close escrow on it, but it doesn't stop them from closing

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escrow.” **Member Lincoln moved to continue this item to the next meeting and bring forth more information. Vice Chairperson Allen seconded the motion.** Chairperson DePauw called for questions or comments. Ms. Ellis inquired as to the specific information being requested by the committee. Vice Chairperson Adler requested her to clarify the meaning of “encumbrances.” Member Allen requested her to “bring us samples of what the other counties are doing.” Chairperson DePauw requested “the other charters amongst the other cities. What is in their charters that has to do with what you’re looking for, the charter language.” She expressed a preference for northern Nevada charters. Member MacKenzie requested examples of “alternatives for enforcement, disclosure laws, offsetting the purchase price, or even withholding a certain amount of cash from a final closing or something along those lines.” In response to a question, Mr. Werner requested the information to be submitted to City staff by June 11th. Ms. Bruketta suggested reviewing the municipal codes and charters of Elko, Reno, Sparks, and Yerington. Chairperson DePauw called for a vote on the pending motion. **Motion carried 7-0.**

7. ACTION TO ADJOURN (1-30) - Member MacKenzie moved to adjourn the meeting at 7:48 p.m. and it was seconded. Motion carried 7-0.

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

DONNA DePAUW, Chair

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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, June 29, 2010 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Ernie Adler
Member Ron Allen
Member Stephen Lincoln
Member Gail Parsons
Member Bruce Robertson

LATE MATERIAL
MEETING DATE 7/15/10
ITEM # 22

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

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

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

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

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

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

6. AGENDA ITEMS:

6-A. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING LANGUAGE THAT WOULD PROTECT ESCROWS FROM ENCUMBRANCES (1-0056) - Chairperson DePauw introduced this item, and provided an overview of the agenda materials. Mr. Werner provided background information and reviewed the agenda report, noting staff's recommendation not to recommend a Charter amendment. Chairperson DePauw provided additional background information, noting a request by former Chief Deputy District Attorney Melanie Bruketta for examples of similar provisions from other charter cities.

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

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

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

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

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

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

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

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

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

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

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

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

6-C. DISCUSSION AND POSSIBLE ACTION ON A DATE FOR A JOINT MEETING WITH THE BOARD OF SUPERVISORS AND THE CHARTER REVIEW COMMITTEE (1-0791)

- Chairperson DePauw introduced this item. Ms. Busse acknowledged the next available Board of Supervisors meeting as July 15th. A brief discussion ensued, and Chairperson DePauw entertained a motion. **Member Lincoln moved to agendize the joint meeting with the Board of Supervisors and the Charter Review Committee for July 15, 2010. Vice Chairperson Adler seconded the motion. Motion carried 6-0.** Discussion took place regarding the time for the joint meeting, and Ms. Busse advised that the Board of Supervisors agenda will be finalized by July 8.

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

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

ALAN GLOVER, Clerk - Recorder

By:

KATHLEEN KING, Deputy Clerk /
Recording Secretary