

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 Adler recommended an amendment to indicate that the recommendation cannot be made because of the current constitutional structure. **Member Lincoln so amended his motion. Member Allen continued his second. Motion carried 7-0.**

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

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

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

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

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

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

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

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

The Minutes of the May 25, 2010 Carson City Charter Review Committee meeting are so approved this 29th day of June, 2010.

DONNA DePAUW, Chair