

CARSON CITY BOARD OF SUPERVISORS
Minutes of the August 6, 1998, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, August 6, 1998, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Greg Smith	Supervisor, Ward 1
	Jon Plank	Supervisor, Ward 2
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	Gary Kulikowski	Internal Auditor
	Dan St. John	Deputy City Manager
	Steve Kastens	Parks and Recreation Director
	Judie Fisher	Personnel Manager
	John Iratcabal	Purchasing Director
	Paul Lipparelli	Chief Deputy District Attorney
	Tim Homann	Deputy Public Works Director
	Phil Herrington	Building Official
	Steve Mihelic	Assistant Fire Chief
	John Mayes	Risk Manager
	Dan Shirey	Battalion Chief
	Katherine McLaughlin	Recording Secretary
	Fran Smith	Recording Secretary

(B.O.S. 8/6/98 Tape 1-0001.5)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken and a quorum was present although Supervisor Tatro was absent. Retired Pastor David Camp of the First Presbyterian Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0040.5) - None.

1. APPROVAL OF MINUTES FOR THE REGULAR SESSION OF MAY 7, 1998, AND SPECIAL SESSIONS OF MAY 12 AND 13, 1998 (1-0043.5) - Supervisor Smith moved to approve. Supervisor Plank seconded the motion. Motion carried 4-0.

2. SPECIAL PRESENTATION - Personnel Manager Judie Fisher

A. ACTION TO APPROVE A RESOLUTION COMMENDING MARY WALKER, DIRECTOR OF FINANCE AND REDEVELOPMENT (1-0054.5) - Mayor Masayko read the resolution into the record. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-43, COMMENDING MARY WALKER, DIRECTOR OF FINANCE AND REDEVELOPMENT. Supervisor Plank seconded the motion. Supervisor Bennett indicated her reluctant second. Motion carried 4-0. Mayor Masayko presented a recognition pin to Ms. Walker. Mr. Berkich explained his original contact with Ms. Walker, her

commitment to Carson City, and his decision to hire her. He commended her on her dedication and hard work for the betterment of the community. Ms. Walker explained her reasons for returning to the City and that the community would always be in her heart. She appreciated working with the Board and Mr. Berkich and explained her feeling that the community would continue to be a leader.

B. ACTION TO APPROVE A RETIREMENT RESOLUTION FOR JOAN FETTIC (1-0159.5) - Joan Feticc was not present. Mayor Masayko read the resolution into the record. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-44, A RESOLUTION COMMENDING JOAN FETTIC on her retirement. Supervisor Plank seconded the motion. Supervisor Smith explained his original contact with Ms. Feticc and her comments on the downtown parking situation. Mayor Masayko noted that this problem will be resolved when the Justice Court moves into the new Public Safety Complex. Motion was voted and carried 4-0.

C. ACTION TO APPROVE A RETIREMENT RESOLUTION FOR WILLIAM OMNES (1-0215.5) - Mayor Masayko read the resolution into the record and presented Mr. Omnes with a plaque. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-45, A RESOLUTION COMMENDED WILLIAM OMNES. Supervisor Plank seconded the motion. Motion carried 4-0. Mr. Omnes expressed his gratitude at having had the opportunity to work for the City.

LIQUOR AND ENTERTAINMENT BOARD (1-0275.5) - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. A quorum of the Board was present including Member Banister although Member Tatro was absent.

3. TREASURER - Al Kramer

A. ACTION ON A FULL BAR LIQUOR LICENSE FOR DUNCAN-SALOMON, LOCATED AT 1 COUNTRY CLUB, CARSON CITY (1-0280.5) - Tom Duncan and Sid Salomon indicated they were familiar with Nevada Liquor Laws and would train their employees in them. The favorable Sheriff's report was noted. The establishment opens on August 20. Member Smith moved that the Liquor and Entertainment Board approve a full bar liquor license for Duncan-Salomon, located at 1 Country Club, Carson City, Nevada; Mr. Tom Duncan and Mr. Sid Salomon are the officers of the corporation and will be the liquor license managers; fiscal impact is \$575 Investigation Fee, \$200 Quarterly Fee, and a \$1,000 Original New Fee. Member Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON A CHANGE OF LIQUOR LICENSE MANAGER FOR B.P.O. ELKS LODGE #2177, INC., FROM LEROY PEDRO TO PATRICK FLANDERS (1-0318.5) - Mr. Flanders indicated he was familiar with the Liquor Laws and that he would familiarize all his volunteers and employees with the laws. The favorable Sheriff's report was noted. Member Plank moved to approve the change of liquor license manager for the B.P.O. Elks Lodge #2177, Inc., from Mr. Leroy Pedro to Mr. Patrick Flanders, Carson City Municipal Code 4.13.100, fiscal impact is \$75 Investigation Fee. Member Smith seconded the motion. Motion carried 5-0.

BOARD OF SUPERVISORS (1-0350.5) - There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum of the Board was present although Supervisor Tatro was absent.

4. CONSENT AGENDA (1-0458.5)

A. SHERIFF - ACTION ON APPROVAL OF THE APPLICATION BY THE SHERIFF TO RECEIVE A FEDERAL BLOCK GRANT IN THE AMOUNT OF \$64,884 WITH MATCHING FUNDS REQUIRED OF \$7,209

B. TREASURER

i. ACTION ON PARTIAL REMOVAL OF 1998-99 REAL PROPERTY TAXES FOR PARCEL #9-206-07 DUE TO DISABLED VETERAN'S EXEMPTION

ii. ACTION ON REMOVAL OF 1998-99 REAL PROPERTY TAXES FOR PARCEL NO. 8-125-37 DUE TO THIS PARCEL BEING TAX EXEMPT

C. UTILITIES DEPARTMENT - ACTION ON AN ADDITIONAL EXPENDITURE FOR SEWER MAIN PARTICIPATION AND REPLACEMENT NOT INCLUDED IN THE DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON-TAHOE HOSPITAL, A COUNTY PUBLIC HOSPITAL AND POLITICAL SUBDIVISION OF CARSON CITY, NEVADA, AND EVAN L. ALLRED, REGARDING ASSESSOR'S PARCEL NUMBERS 1-201-25 AND 1-201-23, LOCATED AT 775 FLEISCHMANN WAY AND 913 MOUNTAIN STREET, CARSON CITY, NEVADA FOR SEWER MAIN PARTICIPATION AND REPLACEMENT

D. BUILDING DEPARTMENT - ACTION TO ESTABLISH A RESOLUTION TO SET UP A \$100 PETTY CASH FUND FOR THE BUILDING DEPARTMENT AND ESTABLISH CONTROLS

E. PERSONNEL MANAGER - ACTION TO APPOINT CHRIS MACKENZIE TO THE CARSON CITY WILDLIFE ADVISORY BOARD

F. PURCHASING DIRECTOR
i. ACTION ON CONTRACT NO. 9899-20 - CAROLINE STREET PARKING LOT, AWARD

ii. ACTION ON CONTRACT NO. 9899-021 - RENEWAL PROGRAM FROM THE NEVADA PUBLIC AGENCY INSURANCE POOL 1998-99, REQUEST FOR CONTRACT APPROVAL

iii. ACTION ON CONTRACT NO. 9899-022 - SELF-INSURANCE PROGRAM SERVICES, REQUEST FOR CONTRACT APPROVAL

iv. ACTION ON CONTRACT NO. 9899-19 - STREET DEPARTMENT 4X4 FLEET SIDE PICK-UP, AWARD

v. ACTION ON CONTRACT NO. 9798-220 - ARCHITECT SERVICES FOR REGIONAL FIRE TRAINING FACILITY, AGREEMENT

vi. ACTION ON CONTRACT NO. 9899-031 - HIGHWAY 50 WATERLINE REPLACEMENT DESIGN SERVICES, REQUEST FOR CONTRACT APPROVAL

vi. ACTION ON CONTRACT NO. 9798-218 - JUVENILE JUSTICE CENTER EXPANSION DESIGN SERVICES, REQUEST FOR CONTRACT APPROVAL

vii. ACTION ON CONTRACT NO. 9798-162 - VICEE CANYON WATERSHED STABILIZATION, RECHARGE AND STORM WATER STORAGE PROJECT, REQUEST FOR APPROVAL OF CONTRACT AMENDMENT

viii. ACTION ON CONTRACT NO. 9899-048 - COOMBS CANYON AND TIMBERLINE WATERSHED DRAINAGE DESIGN - Supervisor Plank pulled Contracts 9798-162 and 9899-048 for discussion. The Resolution establishing a petty cash fund for the Building Department was numbered 1998-R-46. Supervisor Bennett indicated that the Hospital Board of Trustees had approved the utility agreement amendment. Supervisor Smith moved that the Board of Supervisors approve the Consent Agenda as presented with the following items being pulled from it and heard separately, that being, action on Contract 9798-162, the Vicee Canyon Watershed Stabilization, and action on Contract 9899-048, the Coombs Canyon and Timberline Watershed Drainage Designs, and that the item contained under the Building Department be known as Resolution No. 1998-R-46. Supervisor Bennett seconded the motion. Motion carried 4-0.

F. vii. AND viii. (1-0415.5) - Deputy City Manager Dan St. John - Comments briefly explained the funding, the contracts, benefits of and need for the programs. Supervisor Plank moved to approve Contract No. 9798-162, Vicee Canyon Watershed Stabilization Recharge and Storm Water Storage Project Contract Amendment and approval of action on Contract 9899-048, Coombs Canyon and Timberline Watershed Drainage Design. Supervisor Bennett seconded the motion. Motion carried 4-0.

5. BOARD OF SUPERVISORS

A. SUPERVISOR BENNETT

i. ACTION TO APPROVE REALLOCATION OF COMMUNITY SUPPORT SERVICES ANNUAL FUNDING TO THE TAHOE TRANSPORTATION DISTRICT IN THE AMOUNT

OF \$3,000 TO THE NEVADA TAHOE CONSERVATION DISTRICT (1-0505.5) - Discussion among the Board members explained the original funding request for the Transportation District, the Conservation District's purpose, benefits of the Conservation District, its funding from other Counties, and reasons it had not been funded during the budget consideration. Mayor Masayko indicated that the this funding will not be automatically added to the community service support funding requests and that the Conservation District will have to request and participate in the funding allocation procedure next year. Supervisor Bennett agreed and indicated that a funding request will be submitted in October/November with a summary of activities. She committed to circulating the agendas to the other Board members. Mr. St. John's role with the District was also noted. Supervisor Smith explained his objection to the request as being based on the Board's inability to fund all of the requests during the budget process. The funds should either be returned to the ending fund balance or reallocated to other programs which had been approved during the budget sessions and were underfunded. He could see the program benefits but would vote against the request. Supervisor Bennett moved that the Board approve a reallocation of community support services annual funding to the Tahoe Transportation District in the amount of \$3,000 to the Nevada Tahoe Conservation District, fiscal impact is \$3,000, and the funding source is the Community Support Services. Clarification indicated the funding source had been the Community Support Services. Supervisor Plank seconded the motion. Mayor Masayko voiced concern about the lack of reconsideration for the other unfunded support services as well as the other unfunded budget items. If there had been five members of the Board present, he might have supported Supervisor Smith's vote. In order to move the process forward, however, and as the money will be, at least, reasonably well spent, he would support the motion. He cautioned the Board that reallocations are not as straight forward and simple as they may seem as Supervisor Smith had accurately pointed out. The motion to reallocate the funds as indicated was voted and carried 3-1 with Supervisor Smith voting Naye.

ii. ACTION ON A RESOLUTION OF SUPPORT FOR THE U.S. FOREST SERVICE PROPOSAL TO CHARGE PARKING FEES AT THEIR PARKING FACILITIES ON THE EAST SHORE OF LAKE TAHOE (1-0708.5) - Supervisor Bennett distributed a pamphlet to the Board and Clerk. (A copy is in the file.) She referenced a memo on the need for the shuttle which she had given to the Board prior to the meeting. (The Clerk did not have a copy.) Erosion problems were cited to support the need for the shuttle. Photographs illustrating the problems were distributed to the Board. (None to the Clerk.) The shuttle, however, had not been funded. Another solution to the erosion problem is to provide additional off-shoulder parking. The Board had sponsored a \$1.4 million scenic by-way grant which NDOT and the Forest Service will finalize by the end of the month. This will provide \$10 million from the bond act funds for investment along Highway 28. The Forest Service has offered to implement a program next spring assessing a \$3 parking fee for use of the Forest Service parking lots. Eighty percent of these funds will be allocated to the Tahoe-Transportation District for the primary purpose of establishing a transit service along the east shore. The route and hours of operation have not been developed. Discussion explained the proposed collection method; the establishment of short-term, 15 or 20 minute, parking at Chimney Beach; the development of an enforcement program; the need for the shuttle; the possibility that the shuttle could add to the congestion problems on the beaches; the need for additional restroom facilities; the reasonableness of the \$3 fee; a potential need, in 10 to 15 years, for a limitation on the number of people/vehicles allowed to access the area; and the type of user.

(1-0935.5) Craig Hartman expressed his feeling that the \$3,000 which had been reallocated to the Conservation District should have been restricted so that the actual use could have been approved or denied. Mayor Masayko indicated that this issue had been resolved earlier. Mr. Hartman voiced his objection to the resolution based on the fact that Highway 28's accident rate is one of the lowest in the State, which he described. He agreed that parking should not be allowed along the highway. The erosion problem is not caused by the hikers. He offered to show any Board member its true cause. The Scenic Byway designation does not prohibit parking along the highway. Parking lots are a long term solution. The shuttle bus had not worked last year as it left people setting along the road for over an hour. The bus drivers had blocked access to the parking lots to force people to ride the shuttle. This is not a reasonable alternative. He was not against paying for what he used except when it is used to support a failure from the past.

Supervisor Bennett reiterated her explanation of the plan to allocate the funds to the Tahoe Transportation District for administration of a shuttle service on peak weekends. The Scenic Byways grant will be used for additional parking lots. This may provide 100 to 125 additional spaces. This should accommodate the majority of the regular area users. The plan will be developed with appropriate public comment periods. Another plan has not been developed at this time nor has there been any firm funding commitments provided by the Forest Service. The funding could, if needed, be used by the Forest Service to maintain the parking facilities or to establish trails to the Lake, however, there are approximately \$100,000 in unallocated Burton-Santini funds which could be used for this purpose. The fees should generate an appropriate amount of money to support a shuttle.

Mr. Hartman questioned the coverage which the shuttle would provide to other locations around the Lake and voiced his concern about the lack of public parking along the highway at those locations.

Supervisor Plank asked Mr. Hartman to contact him about a tour of the site. Supervisor Bennett then explained that the remaining 20 percent would be used for administrative costs. Supervisor Plank suggested adherence to a schedule which could avoid the situations cited by Mr. Hartman. Supervisor Bennett agreed that this is a function of funding, ongoing usage, and public information. Her disagreement with Mr. Hartman on the success of the shuttle was noted. A shuttle now operating on the north shore supported her contention. She urged the Board to adopt the resolution and support the Forest Service's suggestion which would provide funding for a shuttle and eliminate parking along Highway 28. Other supporters were named.

Mr. Hartman responded by indicating that the study which Supervisor Bennett had referenced had been supported by only three percent of the respondents. Supervisor Bennett volunteered to share her documentation on the issue.

Supervisor Smith then noted that funding for the shuttle had been allocated by Carson City and not from either Washoe or Douglas Counties. He then questioned whether the proposal would provide an adequate amount of funding for a quality shuttle or the level that would be provided once the shuttle begins and parking is restricted. Supervisor Bennett indicated she would provide him with the preliminary estimates. The budget for half hour service on the weekends is between \$22-23,000. The revenue estimate is \$25-30,000. The funds will be available if the program starts in April. ATM had offered to run the service on peak weekends for \$8,000 last year. The north shuttle service was explained and felt to be less than that desired on Highway 28. The proposed service will be on a regular schedule, preferably at half hour intervals. Supervisor Smith elaborated on his concerns. Supervisor Bennett indicated that the resolution is the first step. The Forest Service is developing the plan and had expressed a willingness to return with it. Supervisor Plank felt that more than \$25-30,000 would be generated. He suggested that a schedule be posted at the pick-up locations. The fee could eliminate the need for an additional subsidy next year. He preferred to allocate funding for the City's transit system rather than for support of the shuttle.

(1-1284.5) Principal Planner Rob Joiner explained his appointment to the TRPA Advisory Committee and his assistance with the grant for the Scenic Byway. He supported the proposed program. His contact with the "end users" indicated a concern about the security in the parking lots. This could be addressed through the use of college students. The "end users" support paying for the lots if security is provided. Supervisor Bennett felt that this was a reasonable approach and use of the funds.

Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1998-R-47, A RESOLUTION SUPPORTING THE U.S. FOREST SERVICE'S PROPOSAL TO CHARGE PARKING FEES AT THEIR PARKING FACILITIES ON THE EAST SHORE OF LAKE TAHOE. Supervisor Plank seconded the motion. Supervisor Smith stated that he would vote in the negative on this. He was not against it but wished to hear more from the Forest Service on what would happen if more funding is generated than is anticipated, plans for the excess money--will it go to provide the security that Mr. Joiner talked about and at what point will they bring on another bus. Will the excess funding go into administration. What happens if too few dollars are generated--just not quite enough to keep a good quality schedule. What kind of contingency plan will they have. His final question relates to the resolution of support, which he assumed, if the resolution is denied or approved, it is only a resolution of support and if Supervisor Smith from Ward 1 votes no, will it cause a red flag to appear at the Forest

Service. Supervisor Bennett indicated that she was asking for just that, support for them, and in the support the Board is saying through us who are representatives of the people that we support the Forest Service's proposal to move forward with this. There are, in deed, a lot of issues to work out which, as Mr. Joiner pointed out, are legitimate issues. This will all come about. Basically, that is all she was asking for, is for the Board to support the resolution. Supervisor Plank felt that it was not unreasonable to ask the Forest Service to come at a future date regardless of the Board's action today. They should give us the type of details requested by Supervisor Smith. He had also wondered whether the fifty cents out of the \$3 will pay for security or if it would pay for someone to set in a warm chair. If it turns out otherwise, then we could, with respect to the later report, reverse our motion if it is passed today. Supervisor Bennett agreed. Mayor Masayko prefaced his request for a vote by saying that he would allow Supervisor Bennett to bring the issue back because he was absolutely one hundred percent in support of the off-road parking, providing additional parking lots, and allowing the fees and funds, at least until we understand what the shuttle service is going provide, what the customer acceptance is going to be, what the schedule, what the timing, what the costs are going to be. We are at this time unsure what the maintenance costs for the parking facilities are going to be. This is where the focus should be first. He was not convinced that the 80-20 rule is something which has been well thought out. He was also not sure that these funds should be the source of the shuttle funds. There is not enough information. He supported getting the cars off Highway 28 and putting them in a place where erosion can be minimized, where the trips to the beach can be done on trails that are safe and minimize the erosion, and do everything that needs to be done to protect the clarity of the Lake. But tying it to the shuttle service, he was not comfortable with that right now. He felt that it would be a tied vote and he reiterated his statement that he would allow Supervisor Bennett to bring the matter back. There will be a full Board next time. The motion to adopt Resolution No. 1998-R-47 died on a 2-2 vote with Supervisor Smith and Mayor Masayko voting Naye. Mayor Masayko urged Supervisor Bennett, the Forest Service, TRPA, or the Tahoe Transportation District to provide a level of comfort by addressing the questions.

B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1408.5) - Supervisor Smith reported on the Subconservancy staff's work on the Carson River Conference and its efforts to expand the District's composition. Supervisor Plank reported on the following meetings with the Debt Management Commission, the Parks and Recreation Commission, the Regional Transportation Commission and with Parks and Recreation staff, the Convention and Visitor's Bureau staff, and their Chairpersons on the future of the Pony Express Pavilion and with staff members on the Sierra Clinic and its potential location on Highway 50. Mayor Masayko announced the Annual Breakfast with Senator Bryan scheduled for 7:30 a.m. on August 20 at the Ormsby House. Senator Bryan will also spend approximately 15-20 minutes at the Board meeting briefing the Board and responding to questions. Mayor Masayko's list of discussion items was quickly reviewed. Additional input should be given to Ms. Hernandez at the office. He then reported on a seminar provided by the Sheriff's Office for apartment managers and property owners on how to reduce crime and increase safety. He had accepted an appointment to a participatory democracy committee established by the Legislature which advises the directors of the libraries, museums, etc. He indicated an intent to discuss the organization with the League of Cities due to the positive results such committees provide. He reported on the RSVP Advisory Council and its ability to provide volunteers for different agencies, the United Way Campaign Kickoff, the Redevelopment Authority Citizens Committee meeting, a welcoming presentation he had made to the Taiyo America Board of Directors, the NACO Board of Directors meeting and its November Conference in Carson City, (1-1658.5) a meeting on the Mills Park parking issue with the users and NDOT, and a Transportation Advisory Committee meeting. (1-1649.5) Mayor Masayko distributed a brochure on the Carson and Mills Park Railroad to the Board and Clerk. (A copy is in the file.) He also advised the Board that there may be an evening session at the next Board meeting. Supervisor Bennett reported on the status of the healthy communities initiative, a Legislative interim health committee meeting, her letter to the Governor regarding the Nevada Checkup Program and its funding, a presentation which had been made to Humboldt General Hospital on the healthy communities initiative, a TRPA meeting and a need to provide a deposition as one of its Directors, Nevada Tahoe Conservation District meeting, and her involvement with the Silver Dollar Car Classic. (1-1770.5) She requested a temporary assignment to TRPA be agendized for the next meeting as she would not be able to attend TRPA's next meeting. Supervisor Smith briefly reported on the Silver Dollar Car Classic and its programs. Mayor Masayko commended all of the participants and volunteers on the success of its program.

(1-1901.5) Supervisor Bennett explained a news report on flooding in China and her concern about our Chinese sister city. She suggested Mayor Masayko write a letter of concern. Mayor Masayko indicated he had the Mayor's e-mail address and would follow-up.

C. STAFF COMMENTS AND STATUS REPORTS (1-1859.5) - Mr. Berkich reported on the Subconservancy staff's meeting and its focus on developing a strategic plan. (2-540.5) Ms. Fisher thanked the Board for its support of the Silver Dollar Car Classic.

BREAK: A ten minute recess was declared at 10:20 a.m. A quorum of the Board was present when Mayor Masayko reconvened the session at 10:30 a.m. although Supervisor Tatro was absent as previously indicated.

6. FINANCE AND REDEVELOPMENT DIRECTOR - Mary Walker

A. ACTION ON PRIORITIZATION OF CARSON CITY'S 1999 LEGISLATIVE PACKAGE AND OTHER LEGISLATIVE MATTERS (1-19305) - Ms. Walker suggested that the transit and RTC issues be made one bill. District Attorney Noel Waters explained his revised bill draft on the sewer issue which added Mr. St. John as an additional contact person. (The Clerk did not have a copy.) Reasons for seeking sewer connection and use fees at this time were explained. The original contract had been enforced for 39 years and the State had received in service more than the original loan. Comments noted that the treated effluent agreement for the prison farm is a separate agreement. Supervisor Plank moved that the sewer connection fee bill be prioritized as the number one issue to bring before the Legislature in the 1999 session on behalf of Carson City. Supervisor Smith seconded the motion. Motion carried 4-0.

Ms. Walker then explained the proposal to expand RTC's composition. Two options were described. Comments suggested having the Board of Supervisors with two members of the public-at-large serve as the RTC with a separate meeting date and time from that of the Board of Supervisors regularly scheduled meetings. Concerns with funding allocations and the potential for the Board of Supervisors to reverse a RTC recommendation were expressed. Another alternative would be to have the Board act as the RTC with an advisory committee comprised of members from the public-at-large which reports to the RTC only. Mr. Lipparelli explained how RTC's function in other Counties and the anomaly created in Carson City. He suggested that the Board determine the level of participation it wished to have in the RTC process. Supervisor Bennett explained how the Hospital Board had developed its Finance and Building Committees. She supported retaining two Board members on the Commission and adding three members of the public-at-large. Supervisor Smith supported having a RTC with three public-at-large members and two Board members as the RTC prioritizes the roads and the Board approves the funding. Justification for expanding the membership was provided. Mr. Lipparelli agreed that the Board controls the purse strings, however, a project cannot be approved by the Board without first being approved by RTC. This could keep an expenditure from occurring if a majority of the RTC is from the public-at-large as it is theoretically possible for those citizens to block a project. Supervisor Smith pointed out that this could occur now as two of the members are from the Board of Supervisors. Mr. Lipparelli agreed that this could occur but the Board provides elected accountability. Mayor Masayko pointed out the control the Chairperson holds particularly if that individual is a Board member. Ms. Walker suggested that the bill draft include language indicating the Board of Supervisors will retain final control over the funding. Supervisor Smith moved that the Board of Supervisors direct language to be drafted to allow the Regional Transportation Commission to be expanded from the current three members who are made up of two members of the Board of Supervisors and one member of the public-at-large to two members of the Board of Supervisors and three members of the public-at-large and also that the language be inclusive of delineating the fact it is the RTC's role to outline the priorities for projects and that it is still the Board of Supervisors role to approve any funding of those projects and that the Chairperson of the Regional Transportation Commission will continue to be a member of the Board of Supervisors. Supervisor Bennett seconded the motion. Motion carried 4-0.

Discussion indicated that the transit tax issue should be combined with the previous issue unless the Legislative Council Bureau determines they should be separated. Funding alternatives were discussed including an one cent

tax increase and a \$1 surcharge on motor vehicle registration. Mayor Masayko suggested an interlocal agreement with the adjacent counties be used to support a regional transit system. Also, the current enabling legislation could be modified to allow one cent of the current nine cents to be used for transit. Any entity already at the maximum should be allowed to implement the \$1 surcharge. He opposed increasing the tax to ten cents. Ms. Walker supported the \$1 surcharge and indicated that the Board would consider its implementation at a future time. Funding needs for the MPO status could be addressed in this fashion. Supervisor Bennett indicated for the record that she had not intended to increase the fuel tax to ten cents. Her intent had been to use one cent of the current nine cent tax for transit. She also requested an opportunity to research the City's funding commitments on its nine cents. Ms. Walker explained that the discretionary four cents had been used for bonding. Additional bonds could be issued but the current four cent commitment could not be lowered to three cents. Supervisor Smith indicated that the bond commitment is approximately \$200,000 of a \$1 million revenue source. Supervisor Bennett then elaborated on the need to fund public transit including its operation and maintenance. Federal funds are available for the capital. The fare box does not meet all of the operation and maintenance costs. Another option is to consider an added tax on the weights and transits bill. She urged the Legislature to conduct a study on transit needs statewide. Examples supporting this suggestion were provided. Public concerns about the lack of activity on the five cent gas tax sponsored freeway were noted. Justification for the commitment were also noted. Supervisor Smith questioned the funding generated by the \$1 surcharge. The pros and cons of public transit were also noted. Discussion explained that the proposal would provide enabling language which the Board could accept or reject at a future date. Reasons a funding estimate had not been provided were noted.

(1-3155.5) NDOT Representative Sandy McGrew explained a previous bill proposal which had estimated the 1993 revenue source statewide at \$1 million. There are more vehicles registered today. (A copy of this information was distributed to the Board but not the Clerk.) Additional information will be provided to the Board as soon as possible. Reasons this bill had not made the floor of the Legislature were noted.

Supervisor Plank suggested the language be amended to include "up to" a penny or a dollar as it may be possible that all of the funding is not necessary as well as making it "a combination of both". The pros and cons of this suggestion were debated. Discussion suggested including language which would allow the funds to be used for capital items.

Discussion with Ms. McGrew indicated that the terms "surcharge" and "fee increase" is a matter of schematics. If the fuel tax is amended to enable its use for transit, all statutes related to it will need to be amended. If the fuel tax is amended to allow for the acquisition of buses, the statutes would also have to be amended to include operations as the Statutes currently allow for its revenue to be used for capital improvements on roads. Supervisor Bennett reiterated her suggestion that an interim study be conducted for this reason. Ms. McGrew explained North Dakota's surcharge and the concerns expressed by Nevada Counties with this procedure which could allocate all of the funds to Washoe and Clark Counties.

Ms. Walker supported the \$1 surcharge and urged the Board to reject the one cent option. Mayor Masayko felt that the one cent proposal could force the Legislature to conduct the study suggested by Supervisor Bennett. Supervisor Bennett supported Ms. Walker's suggestion. The pros and cons of having the study were discussed. Ms. Walker then suggested that the funding for transit be separated from the suggestion to expand Carson City's RTC membership as transit could delay the membership. Mayor Masayko agreed to separate the issues.

Supervisor Bennett moved that the Board of Supervisors direct the legislative representative to proceed with a bill draft for the allocation that will enable local governments to impose a \$1 surcharge on each motor vehicle registration for transit operations and maintenance and the Carson City RTC to be enabled to have two members of the Board of Supervisors and up to three citizens and that this issue be combined with the other issue and to subsequently urge the Legislature to develop an interim study committee on transit and future transit needs of the state and to identify funding sources. Supervisor Plank seconded the motion. Following a request for clarification, Supervisor Bennett indicated that operation and maintenance included capital. Supervisor Plank concurred. Supervisor Smith pointed out as an FYI for the public television audience, there is not one transit system in the entire country that makes money. They all operate in the red. They are all subsidized in one form or another. He

did not want people to think, "Geez, just put the buses out there. Everyone pays two bucks a ride, and you can have a party with the money that is leftover." There is no money leftover. They do not make money. The only way that you can make them make money is by charging a fee which no rider can afford. Carson City is not going to make history by having the very first one that makes money. Mayor Masayko agreed. Supervisor Smith expressed the desire to have it made very clear that, while he would support the motion, he was not lending his support at this time to a \$1 surcharge or an additional gas tax or anything else of the sort. He would like to see it move forward in this type of a forum so that members of the public and at the Legislature can study it more and find out what is right for Carson City in the future. He did not want the media to report tomorrow morning that the "Board supports \$1 fee". This is not what his vote is for. It is an important enough issue to put forward and allow the debate to occur and find out how the community wants to fund it or if they want to fund it. Mayor Masayko indicated that his comments were well said and that this is his position also. It is a local option. The Board is looking for public debate and the authority of the Board of Supervisors to ask the public to vote for or against it. It is a local option. Just for the record, you should also indicate that if his math is correct, Carson City also, at least on the ongoing dollars granted to transit here in Carson City, probably levies about one-and-a-half cents because we are funding it at about \$130,000 a year. We are levying a cent-and-a-half for transit. We thought we had to step up to the plate already and if there are other funding sources we want to leverage it. But we are going to ask the citizens to step up and support this. Following a request for clarification of the item's ranking, Supervisor Bennett amended her motion to include it as priority number two. Supervisor Plank concurred. The motion as amended was voted and carried 4-0.

Mayor Masayko thanked the participants for their information and assistance. Ms. Walker reviewed the balance of her report. (A copy is in the file.) No formal action was taken on those items.

B. ACTION ON CONTRACT NO. 9899-30 - LEGISLATIVE CONSULTANT SERVICES AGREEMENT (2-0120.5) - Mayor Masayko explained his reasons for recommending the contract. Concerns were voiced about the legislative process if the 120 day restriction is implemented. Supervisor Smith expressed his opposition to the process used to determine the need for and development of the contract even though he agreed that Ms. Walker is at the top of the list for lobbyists. The Board should have determined the policy and need for a paid lobbyist. He questioned whether the contract had been put out to bid and how to address the public perception created by awarding a contract to an individual four to five days after that individual leaves City employment. Ms. Walker explained her representation on the 253 Committee and the need to replace her before September 2. Without representation, the City could lose. Washoe County's loss of its representative was cited to illustrate the concern. She had originally planned to bring the contract to the City in September. Her August vacation plans and the meeting date had changed this plan. Supervisor Smith indicated his understanding of these issues and acknowledged that she would serve the City well. There is always time to run a democracy but it had not occurred in this instance. Mayor Masayko responded by indicating that he had not attempted to force the issue but due to the need to address SB 253 and SCRRT 10, he had felt that it was an emergency. Ms. Walker would be allowed to continue to serve on these committees only so long as she represents Carson City. Supervisor Bennett felt that the Board's broad powers allowed it to prudently determine the urgency of the issue and issue a contract without requesting an RFP. The City's standard for noticing is higher than most, particularly, when time is not of the essence. She then questioned whether Ms. Walker could also represent the Hospital's interests. Ms. Walker indicated that she would review all of the bills and distribute them to the appropriate Department. Supervisor Bennett urged her to contact the Hospital and its Trustees whenever necessary. TRPA will also have some bills. Supervisor Plank acknowledged Supervisor Smith's concerns and pointed out the advantages to having Ms. Walker as the City's representative. Mr. Berkich acknowledged Supervisor Smith's concerns and expressed an intent to improve communications with the Board. His interest had been to maintain continuity. He committed to taking the time to carefully analyze the situation before the next legislative session. Ms. Walker and he had attempted to keep the contract at an arm's length and had considered the public perception issue. Additional public comments were solicited but none given. Supervisor Plank moved to accept the Purchasing Department's recommendation on Contract No. 9899-030 and authorize the Mayor to execute the agreement with Walker and Associates for an amount not to exceed \$32,000. Supervisor Bennett seconded the motion. Supervisor Plank amended his motion to include the funding source as being from projected savings of the Finance Director Salary and Benefits of \$15,000

and the Contingency of \$17,000. Supervisor Bennett concurred. Supervisor Smith reiterated that his vote was not a negative reflection or a negative vote toward Mary Walker and the kind of job she will do for the City at the Legislature. He was sure it would be a bang up job. His vote is merely a reflection of his disappointment in the process. Additional public comments were solicited but none given. The motion was voted and carried 3-1 with Supervisor Smith voting Naye.

7. TREASURER - Al Kramer

A. ACTION ON DIRECTION AND ORDER TO SELL REAL PROPERTY TAX DELINQUENCIES WHERE CARSON CITY HAS TAKEN A DEED (2-0422.5) - Supervisor Plank moved to direct the Treasurer to proceed with the sale of Real Property Tax Delinquent Properties as presented. Supervisor Bennett seconded the motion. Motion carried 4-0.

B. ACTION ON A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING PARK, VARIOUS PURPOSE, WATER AND SEWER PROJECTS FOR THE CITY; PROVIDING FOR THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (2-0470.5) - Bond Consultant Jennifer Stern indicated that the interest rate for the previously approved \$6.7 million sewer bonds is 3.23 percent. These bonds are being sold to the State revolving fund and will close a week from Friday. The proposed bonds are not being sold to the State revolving fund, therefore, its interest rate will be higher. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1998-R-48, A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION, LIMITED TAX, BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING PARK, VARIOUS PURPOSE, WATER AND SEWER PROJECTS FOR THE CITY; PROVIDING FOR THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Smith seconded the motion. Motion carried 4-0.

8. PERSONNEL MANAGER - Judie Fisher - ORDINANCE - FIRST READING - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD DEVELOPMENT SERVICES MANAGER AND REMOVING REDEVELOPMENT FROM DIRECTOR OF FINANCE (2-0545.5) - Deputy City Manager Dan St. John - A job description was provided. Supervisor Smith voiced his concern with having this position presented as a housekeeping issue and the lack of information regarding the reorganization. Mayor Masayko felt that the proposal had been in the newspaper and that the public had been adequately informed, however, if the Board wished a presentation, he would agendize one. Clarification indicated that the Personnel Manager would update/revise all of the various positions impacted by the change. Additional title changes may be presented to the Board at a future date. Supervisor Bennett suggested a presentation be made at the second reading. Mr. St. John agreed. Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 121, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400, PUBLIC OFFICERS, TO ADD DEVELOPMENT SERVICES MANAGER AND REMOVING REDEVELOPMENT FROM DIRECTOR OF FINANCE. Supervisor Smith seconded the motion and voiced his feeling that a majority of the television audience would not understand the modification. The motion to introduce Bill 121 was voted and carried 4-0. Supervisor Bennett supported Supervisor Smith's concerns and reiterated the desire to have a detailed presentation on second reading.

11. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner - ACTION REGARDING THE APPOINTMENT OF ROBERT F. JOINER, PRINCIPAL PLANNER, COMMUNITY DEVELOPMENT DEPARTMENT, TO THE POSITION OF CARSON CITY REDEVELOPMENT

DIRECTOR AND OTHER MATTERS RELATED THERETO (2-0720.5) - Chief Deputy District Attorney Lipparelli indicated the Board employs the Redevelopment Director and not the Redevelopment Authority. Therefore, the Board approves the appointment. Mr. Joiner read a prepared statement regarding his qualifications and the future of the program. (A copy is included in the file.) Discussion noted the need for retail shops in the downtown area. Supervisor Plank moved that the Board of Supervisors approve the appointment of Robert F. Joiner, Principal Planner, Community Development Department, to the position of Carson City Redevelopment Director. Mayor Masayko seconded the motion. Motion carried 4-0.

BREAK: A ten minute recess was declared at 12:40 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 12:50 p.m. Supervisor Tatro was absent as previously indicated.

9. INTERNAL AUDITOR - Gary Kulikowski - ACTION ON APPROVAL OF THE 1998-99 INTERNAL AUDIT PLAN (1-0986.5) - No changes were made to the priority list. Comments noted that there are additional unannounced audits performed which are not listed and reasons for such audits. Mayor Masayko added as a high priority the establishment of a method by which identification and closure could be provided to those Utility projects with infrastructure and infrastructure bonding requirements. Mr. Berkich indicated that a timetable had been established for the development of these procedures and should be provided to the Board shortly. Mr. Kulikowski will be given a copy prior to the Board. Comments indicated the plan is dynamic and could be revised as necessary. Supervisor Plank moved that the Board approve the Internal Audit Plan for the fiscal year 1998-99 as submitted with the minor modification that the Mayor had made with respect to the Utility projects. Mayor Masayko indicated that his comments had been directed to the City Manager rather than the Internal Auditor. Mr. Kulikowski indicated that the subject is included in his plan. Mayor Masayko and Supervisor Bennett seconded the motion. Motion carried 4-0.

10. PUBLIC WORKS DEPARTMENT - Deputy Public Works Director Tim Homann - ACTION TO CONVERT CURRY STREET BETWEEN ROBINSON STREET AND WASHINGTON STREET FROM ONE-WAY OPERATION TO TWO-WAY OPERATION AND ACTION ON A RESOLUTION TO REMOVE TIMED PARKING ZONES ON CURRY STREET BETWEEN ROBINSON STREET AND WASHINGTON STREET (2-1138.5) - Discussion supported the two-way operation. Comments explained the State's acquisition of several retail stores between Caroline and Washington on Curry and the additional parking spaces provided in the former bank drive-up teller area. This eliminated the need for the two-hour restricted area. Supervisor Smith felt that with previous action eliminating another portion of Curry Street's one-way operation, it may be prudent to eliminate all one-way traffic on it. Mr. Homann felt that with signage a traffic problem would not be created. The remaining portion is highly impacted and needs the angular parking. Concerns were expressed that the Museum employees would utilize the Curry Street parking. Mr. Homann explained the area currently used by these individuals. Mayor Masayko indicated that the former F.I.B. parking lot has been designated for the Museum employees. The Golden Spike parking area was also designated. Two hour parking is felt to be inadequate for tourists visiting the Museum. The Mainstreet Committee supported the plan. Supervisor Bennett expounded on her concern that tourists be given prime parking locations and that employees be prohibited on Curry Street. Mr. Homann explained the plan for bus parking behind the Museum. Discussion ensued about having the Transportation Advisory Committee analyze the proposal. Reasons the plans had not been given to the Committee were noted. Supervisor Smith moved that the Board of Supervisors approve the request to convert Curry Street between Robinson Street and Washington Street from a one-way to a two-way operation and adopt Resolution No. 1998-R-49, A RESOLUTION REMOVING TIMED PARKING ZONES ON CURRY STREET BETWEEN ROBINSON STREET AND WASHINGTON. Supervisor Bennett seconded the motion. Motion carried 4-0.

Mr. Homann indicated the changeover will occur when construction occurs. Mayor Masayko indicated that Mr. Joiner will provide a status report. Comments noted different plans for the area between the Museum and former F.I.B. building and the Golden Spike property owner's written commitment to the Redevelopment Authority Citizens Committee.

12. CITY MANAGER - John Berkich

A. ACTION TO APPROVE A LIST OF CANDIDATES FOR THE GOVERNOR'S APPOINTMENT TO THE STATE LAND USE ADVISORY COMMITTEE AS CARSON CITY'S REPRESENTATIVE (2-1575.5) - Supervisor Smith moved that the Board of Supervisors approve the following list of candidates to be submitted to the Governor for appointment to the State Land Use Advisory Committee as Carson City's representative in the following order of preference by the Board of Supervisors: 1. Kay Bennett; 2. Walter Sullivan; and 3. Rob Joiner. Supervisor Plank seconded the motion. Motion carried 4-0. (Following the vote Supervisor Smith stepped from the room--1:25 p.m. A quorum was still present.)

B. ACTION TO APPROVE PLANS FOR THE REMODELING AND USE OF THE NORTHGATE FACILITY (2-1685.5) - Deputy City Manager Dan St. John - The history of the facility was provided. Overhead slides were used to illustrate the plan. Engineering, Public Works Administration, Cooperative Extension, and Community Transit were to be relocated to the building. Funding has been allocated for future Public Works' facilities. Staff proposed using these funds for the renovation/relocation. Board comments emphasized the intent to relay a message that the City will continue to use this facility for a three to five year period. Comments also explained the funding which would be used for the City Hall loan as Northgate had not sold and for the renovation/relocation; the parking needs for both the facility and the adjacent building; the potential need to lease parking space behind the theater and the commitment to bring the lease back to the Board; the parking needs for the Cooperative Extension Service; the two conference rooms; the lack of funding for roof repairs; the need for air conditioning/heater improvements; and the budget augmentation. Board comments also encouraged staff to continue to receive and entertain offers to purchase the building.

(2-2459.5) Tom Sawyer explained his understanding of the purpose behind the move from Northgate to City Hall, the plan to move the remaining employees to Butti/the Corporate Yard, and the attempts to sell the property. The asking price had been more than the appraised value. Mayor Masayko explained that the market price had been based on its capitalization rate. Mr. Sawyer felt that, as the building had not sold and additional offices would be moved into it, there was a cost of \$150-160,000. The City will be unable to sell the building in three to five years as it had been unable to sell it originally. He questioned the cost to replace the walkway at the facility. This process is double taxation. Mayor Masayko and Mr. Berkich explained the original plan to construct another facility at Butti and relocate the employees to that building. Rents which had been paid or will be paid by these Departments are being used to repay the City Hall loan. Mr. Sawyer reiterated his feeling that any improvements made to the Northgate structure will not be reimbursed when the property is eventually sold. Discussion explained that the building had been listed under a real estate broker before the City attempted to sell the property. Supervisor Bennett explained her impression of the reasons why the building may not have sold and the motivation for selling the building at the listed price. The proposal is an attempt to make the best of the situation. Mr. Sawyer felt that her comments were a repeat of the old "we made a mistake" excuse which had been used for the Pony Express Pavilion. He questioned how long it would take to correct this situation. Supervisor Bennett felt that the Board's track record would indicate that there had been far more prudent and judicious decisions made which make the City a leader in today's environment. Fortunately, this is an opportunity which will allow the Board to regroup and recapture its direction. Mr. Sawyer pointed out the availability of new facilities throughout the City which he felt would depress the value of the Northgate Complex. Supervisor Bennett felt that his comments supported her desire to make a long-term commitment to the Northgate building. The land value will continue to increase with time. Comments supported the ability to change direction when alternatives are provided.

(2-2726.5) Dave Morgan felt that the building could be worth more as it is completely occupied. This may make it more enticing. If the building is sold, these funds could then be used to retire the City Hall bonds. Mayor Masayko pointed out that this would require the City to pay rent for those Departments at the Northgate facility. Additional comments were solicited but none given.

Supervisor Bennett moved that the Board of Supervisors approve the plans for the remodeling and use of the Northgate Facility as presented with the discussion which had occurred, fiscal impact is \$149,000, and funding

source is from Capital Outlay, Miscellaneous Capital, and Northgate. Supervisor Plank seconded the motion. Motion carried 3-0.

Mayor Masayko noted for clarity of the record that Supervisor Smith had left prior to the beginning of the discussion on this item due to a need to return to his office. He had not left to avoid participation on the issue. He had indicated that he was quite comfortable with this proposal.

BREAK: There being no other matters for consideration prior to the agendaized 6 p.m. issues, a recess was declared at 2:15 p.m. At 6 p.m. Mayor Masayko reconvened the session. A quorum of the Board was present although Supervisor Tatro was absent. Staff members present included: City Manager Berkich, Sheriff Banister, Treasurer Kramer, Information Services Director Naylor, Chief Deputy District Attorney Lipparelli, Assistant Fire Chief Mihelic, EMS Battalion Chief Pirozzi, and Recording Secretary McLaughlin.

13. CHARTER REVIEW COMMITTEE - Vice Chairperson Shelly Aldean and Member Dick Murray - Mayor Masayko convened the session by commending the Committee members on their dedication and service. Vice Chairperson Aldean introduced Committee Members Donna Kuester and Tunney Robison, who were also in attendance. (A quorum was not present.) She also indicated that another Resolution had been overlooked. This resolution had provided for the election of Supervisors from Wards and will be agendaized for a future meeting.

A. ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE THE ADDITION OF THE CHARTER REVIEW COMMITTEE TO THE CARSON CITY CHARTER AND OTHER MATTERS PROPERLY RELATED THERETO (2-2805.5) - Mayor Masayko suggested Item 2, Line 13, be amended to read: The Board of Supervisors shall appoint the appropriate number of charter committee members as determined in Sections 1. a. and b. Supervisor Bennett moved that the Board adopt Resolution No. 1998-R-50, A RESOLUTION RECOMMENDING TO THE LEGISLATURE THE ADDITION OF THE CHARTER REVIEW COMMITTEE TO THE CARSON CITY CHARTER AND OTHER MATTERS PROPERLY RELATED THERETO with the changes are recommended to Section 1, Subparagraph 2, regarding the appropriate number. Supervisor Smith seconded the motion. Motion carried 4-0.

B. DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER ALLOWING THE CITY MANAGER TO APPOINT CLERICAL PERSONNEL WITHOUT BOARD OF SUPERVISORS APPROVAL AND FURTHER ADDING TO THE CARSON CITY CHARTER THE RIGHT OF THE BOARD OF SUPERVISORS TO REVIEW RECOMMENDATIONS MADE BY THE CITY MANAGER REGARDING THE APPOINTMENT OF ADMINISTRATIVE ASSISTANTS AND OTHER MATTERS PROPERLY RELATED THERETO (2-3015.5) - Clarification indicated that the term administrative assistant applied to the deputy city manager. Mr. Berkich explained that the Board currently has two contracted employees and delegates to them the responsibility for administration of the government. The deputy city manager is not the "heir apparent" to the city manager nor is he/she automatically appointed city manager. The pros and cons of the proposal were debated. Supervisor Smith felt that the issue is one of trust. Without trust in the city manager, there will be key quality relationship issues involved and the entire situation needs to be evaluated. Supervisor Bennett pointed out the accountability feature involved with the current process. Vice Chairperson Aldean pointed out that the current language allows the Board to review the City Manager's appointments. The change will allow the Board to approve the candidate. Mayor Masayko felt that, if the change is made, all department heads could be included, not just the deputy city manager. Member Murray felt that the Committee needs to review the Charter and City practices. Mr. Berkich explained that his contract permits him to hire/fire his employees. The budget process authorizes the funding for the positions. Mayor Masayko noted the ordinance which establishes the job titles and its ability to provide a check and balance against the positions employed by the City Manager. The resolution would have the Board involved with the selection of individuals. Supervisor Plank suggested the term approval be replaced by consent. Supervisor Bennett suggested a modification to Section 2 to have it read: The manager may appoint such clerical personnel as he considers necessary, and create such administrative assistant positions as he considers necessary subject to the review and approval of the board. Supervisor Plank supported

having the Charter include general terms and the contract spell out the procedure. Discussion included an example of how controlling the Charter amendment could be. Mr. Berkich pointed out the success of the current separation of policy setting and administration procedure and its clear definition of this line. Vice Chairperson Aldean and Member Murray reiterated their comments on the reason for bringing the issue forward. Mayor Masayko thanked them for bringing the issue forward as it provides for a democratic exchange on the issue. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1998-R-51, A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER ALLOWING THE CITY MANAGER TO APPOINT SUCH CLERICAL PERSONNEL AS HE CONSIDERS NECESSARY AND CREATE SUCH ADMINISTRATIVE POSITIONS AS HE CONSIDERS NECESSARY SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD. Supervisor Plank seconded the motion. Mayor Masayko indicated that the changes were in Paragraph 2 which is to read: The manager may appoint such clerical personnel as he considers necessary and create such administrative assistant positions as... Supervisor Bennett amended the motion to remove the word assistant. Mayor Masayko continued his reading of Paragraph 2 to besuch administrative positions period; subject to the review.... Supervisor Bennett corrected his reading to be ... and create such administrative positions as he considers necessary subject to the review and approval of the board. Supervisor Plank concurred and expressed his feeling that this wording would allow the city manager to create as many positions as he desired which could allow him to have a half-a-dozen assistant managers if so desired. Mayor Masayko pointed out that they would be subject to the board's review and approval. Supervisor Bennett agreed and indicated that her intent is to preserve intact what had been done in fact this afternoon when a position had been brought to the Board with a job description. The manager had rationalized to the Board and the community through the Board why he felt the position was important and how it fit into the general organizational structure. This is the intent of her motion. Supervisor Plank concurred. Supervisor Smith expressed his willingness to support the resolution even though the original proposal had not been the "death of democracy as known in Carson City", the approach has been used in Carson City for the last ten years, and with this City government had worked rather well. Even though he did not view the proposal as that big of a change, he hesitated to change something which he felt already worked well. It may not be perfect but it works well. The motion to adopt the resolution as amended was voted and carried 4-0.

C. DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER CLARIFYING THE DUTIES THE BOARD OF SUPERVISORS MAY IMPOSE UPON ELECTED OFFICIALS AND OTHER MATTERS PROPERLY RELATED THERETO (3-0410.5) - Supervisor Smith moved to adopt Resolution No. 1998-R-52, A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER CLARIFYING THE DUTIES THE BOARD OF SUPERVISORS MAY IMPOSE UPON ELECTED OFFICIALS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Clarification explained the reasons for adding the commas. Vice Chairperson Aldean felt that without the commas a treasurer could be required to perform duties by the Board regardless of the function. The importance of punctuation was stressed. Supervisor Bennett felt that the Board could currently establish a policy which would require him to perform duties beyond the normal range. Vice Chairperson Aldean indicated that no words were being added or deleted. Mayor Masayko reread the statement to indicate that the duties would be restricted to those of a county treasurer. Treasurer Al Kramer explained that the City had a role in the policy. For example, Carson City requires the Treasurer to be responsible for business licenses. This is not in the NRS nor does it happen in other counties. This is an appropriate duty for the treasurer in Carson City as it handles money and is registering individuals. It could, however, belong to the sheriff, community development, etc. He is also responsible for the collection of utility bills and parking tickets. Reasons for these policies were noted. This action, in essence, has the Board establishing duties for the treasurer. These duties had all been treasurer functions and are connected to receiving money. Although other elected officials may be more restricted in the list of duties, all include the same clause. The proposal will protect the offices from abuse. Supervisor Bennett suggested, for example, that the treasurer include in his duties the collection of hospital bills. The treasurer indicates that he cannot do that. She then questioned whether Treasurer Kramer could refuse to do the collection of hospital bills. Mr. Kramer responded by explaining that his original suggestion had been that the duties be those that are mutually agreed upon. He did not feel that there had been an abuse. If an elected official is "dumped" on during

the budget process by the assignment of additional duties with less staff, the media would enter the fray. Examples were noted in surrounding counties to support his position. He was unsure how the process evolves once the elected official refuses to perform. There must be a forum for addressing such issues. He was not that concerned about such an abuse as he is with there being assigned additional duties during the budget process without the means to perform. This would require that some job function be eliminated such as the new assignment. In an ideal world, methods to handle such situations are provided; however, in the real world such things are left to the trust of the organization within which one is working. Supervisor Bennett expressed a concern with his comments in that she felt that any mutually agreed upon realignment of duties should be considered and approved by the Board. Mr. Kramer indicated that this had occurred during the budget process. Supervisor Plank pointed out that the Board's concern should not have been with the elected official but rather with the Department Head and his/her duties. Supervisor Bennett agreed. Mayor Masayko supported her point as such a mutual agreement may not be possible with future elected officials. Comments supported the realignment. Mr. Kramer cited the District Attorney's functions which require the District Attorney to repeatedly inform the Board that certain things cannot/may not be done. The Board could retaliate and require him/her to perform unusual duties. The revision would eliminate such a potential. The motion to adopt Resolution No. 1998-R-52 was voted and carried 4-0.

D. ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER TO INCREASE THE SALARY OF THE MAYOR AND OTHER MATTERS PROPERLY RELATED THERETO (3-0638.5) - Justification for the salary increase was reiterated throughout the discussion. Mayor Masayko indicated that he had already made his comments related to this issue. He was flattered by the proposal but would oppose the resolution. Supervisor Bennett pointed out that the same justification for the mayor's salary increase should be used to support an overall increase for the entire Board. She urged the Committee to reconsider the issue. Supervisor Smith suggested the resolution be amended to include an effective date of 1/2001. Reasons for supporting the revision were provided. Mayor Masayko supported Supervisor Smith's effective date. Supervisor Smith responded to an editorial in the Nevada Appeal by noting that the total budgetary impact is only \$5400 which the City could well afford. The demands placed on the office dictate a full-time active mayor. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-53, A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER TO INCREASE THE SALARY OF THE MAYOR AND OTHER MATTERS PROPERLY RELATED THERETO as described within the Resolution and to take effect on January 1, 2001. Supervisor Plank seconded the motion. Mayor Masayko thanked the Board for its kudos and support. He had been aware of the salary when he ran for office and the duties. He loved the City and his job. He may have done it, as a colleague at the U.S. Conference of Mayors had stated, for \$1 a year without seeing the \$1 a year. He acknowledged that the proposal was being offered from the heart. He appreciated it. Supervisor Smith suggested that anyone who would take him on for the salary increase should spend a week with the Mayor following him around and observing all of the functions and duties performed. Mayor Masayko felt that he would utilize the services of such an individual. He explained to Supervisor Bennett that the Board's salary is part of the packet of other elected Commissioners' salaries. He had been informed at NACO that some of the larger Counties were going to be asking the Legislature for an increase and that a discussion on this topic may occur. Her point that Carson City may wish to gravitate to another level of county government was noted. The motion to adopt Resolution No. 1998-R-53 as amended was voted and carried 3-1 with Mayor Masayko voting Naye.

E. ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER TO ALLOW THE CLERK, TREASURER, ASSESSOR, AND SHERIFF TO ENGAGE IN A BUSINESS OR OCCUPATION THAT DOES NOT CREATE A CONFLICT OF INTEREST WITH THE ELECTED POSITION AND OTHER MATTERS PROPERLY RELATED THERETO (3-0998.5) - Board comments indicated a need to allow an elected official's spouse and other family members to have a business/occupation while addressing the feeling that the elected official's salary indicated the position is a full-time job. Discussion between the Board and Mr. Lipparelli ensued on the lack of a definition for the term "conflict of interest" and the difficulty defining the term. Examples

supporting both the need and reasons for prohibiting a second occupation were cited. Currently the electorate could resolve a second occupation through the ballot and recall procedures. The proposed resolution would prohibit a treasurer from holding a position in the stock market. A definition of "conflict of interest" could, if necessary, be found within the Statutes. Vice Chairperson Aldean explained a Sparks' charter requirement that such occupations be approved by the city council. Sheriff Rod Banister explained the reasons for the Charter restriction. He supported the restriction although he understood the initial problem. If a definition for conflict of interest could be found, he was willing to consider it. He then explained his knowledge about the Elko County Sheriff who holds a second position. The Statutes at this time mandate that the sheriff maintain an office. This could be done without having to be present if the appropriate administrative individuals are employed. Reasons for his concern were noted by citing a former Carson City Sheriff's activities. He suggested that the wording be restricted to the elected official but allow the family member to have the outside business/occupation. Mr. Kramer expressed support for the Sparks' proposal. He was willing to bring any outside positions to the Board for its blessing. Reasons for bringing the matter forward were noted. His research indicates that Carson City is the only location in the State with this restriction. Supervisor Bennett explained her personal efforts to keep her family business separate from the City business particularly when she is at the City Hall. Mayor Masayko expressed his support for Sparks' requirement. Sheriff Banister expressed his support for it as it would provide an option to outright prohibition as contained in the current Charter. Discussion explored the procedure which would be followed if a violation occurred. Comments indicated the proposal would provide an open check and balance process and a method to advise the public. Additional public comments were solicited but none given. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-54, A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS RECOMMEND AN AMENDMENT TO THE CARSON CITY CHARTER TO ALLOW THE CLERK, TREASURER, ASSESSOR, AND SHERIFF TO ENGAGE IN A BUSINESS OR OCCUPATION UNLESS OTHERWISE APPROVED BY THE BOARD OF SUPERVISORS AND OTHER MATTERS PROPERLY RELATED THERETO with the following changes: Page 2 of the Resolution at Line 6, the Section underlined at the end which reads: The Clerk shall not engage in any other business or occupation, that currently reads, that creates a conflict of interest; these words, 'creates a conflict of interest' shall be changed to "unless otherwise approved by the Board of Supervisors"; this causes the sentence to read: "The Clerk shall not engage in any other business or occupation unless otherwise approved by the Board of Supervisors."; the same change is to be made on Line 17 and Line 25 and on Page 3 on Line 10. Supervisor Plank seconded the motion.

(3-1452.5) David Morgan questioned the life of the amendment. Mayor Masayko indicated that once the Charter is amended, the public could bring forward another change and the charter review process would be followed. Vice Chairperson Aldean felt that the electorate would be the ones to force the compliance. Supervisor Plank pointed out that the once the Board approves the activity and it later turns into something else that had not been presented or represented, the Board should make an issue of it. Or, at the very least, it should be brought to the elected individual's attention. If that person elects to continue without correction, then the public should become involved. Mayor Masayko agreed and cited the example provided by Sheriff Banister to illustrate the need to designate a period when the individual makes a presentation to the Board. Supervisor Smith noted that there would not be a rush of individuals wanting to take on another position. The Charter at this time does not allow anyone to do anything. The importance of the proposal is to have the ability to adjust to special instances, such as that proposed by Treasurer Kramer and including any other instances beyond his proposal, through a full public hearing. The Board of Supervisors are the public representatives for the 50,000 residents of the community. By having the elected official come before the public and say here is what I would like to do. We could either approve or deny it based upon certain reasons. If those reasons are unacceptable to the elected official who is at the podium, he/she has the right to take the Board to Court. He also appreciated the issue which had been raised which is that if something is approved and that something one-and-a-half years later has turned out to be something else, there is an opportunity for a full public discussion on whether or not the public believes that the elected official should be engaged in that occupation. If the Board tells him/her no and he/she says so what, too bad and goes away, the options are recall, the ballot box initiative, as well as other options available. He did not feel that he was looking at a situation where you must write a ticket, hand it to the individual, he/she must go to court, and pay a penalty. This approach is higher than that. Supervisor Bennett indicated she had listened very carefully to all of the discussions and that she would stick with her position. She was very, very uncomfortable,

very uneasy with this. She felt that there could be some real constitutional issues here to which the City may be opening itself up. She felt that the situation is not broke. The public has been very, very well served with this language as it is. The Board may be opening itself to some real challenges from the standpoint of independently elected officials who have certain responsibilities and the Board imposing its will. Although she was having difficulty articulating her concern, she felt that she could see some constitutional challenges or lawsuits erupting out of this. She did not feel that the Board should go there. She would not support the resolution at this time. Mayor Masayko indicated he understood her point and that his comment to that is that the Board would not be alone in that predicament as there are other cities and perhaps counties who have exactly the same language. Supervisor Plank also indicated that he could see the problem with the bar being so low at this time. Mayor Masayko agreed that the bar is too low now. It is absolutely overly restrictive so that nothing could be done now nor is anything allowed to infringe upon your time, your ability to do the job, or have a conflict of interest as you just can't do anything. The motion to adopt Resolution No. 1998-R-54 was voted and carried 3-1-1 with Supervisor Bennett voting Naye and Supervisor Tatro absent.

F. ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE THE DELETION OF THE WORD "SALE" IN THAT PORTION OF THE CARSON CITY CHARTER THAT RELATES TO ANIMALS AND POULTRY AND OTHER MATTERS PROPERLY RELATED THERETO (3-1570.5) - Pete Bachstadt - Animal Services Director Mike Conklin had purportedly approved the revision. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1998-R-55, A RESOLUTION RECOMMENDING TO THE LEGISLATURE THE DELETION OF THE WORD "SALE" IN THAT PORTION OF THE CARSON CITY CHARTER THAT RELATES TO ANIMALS AND POULTRY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 4-0.

Mayor Masayko thanked the Committee for its work and indicated that the remaining resolution would be considered at the next meeting. The benefits of having the Committee make the presentation to the Board and of the process were noted.

14. CITY MANAGER - John Berkich

A. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES CONCERNING LABOR NEGOTIATIONS (3-1708.5) - Mayor Masayko and Mr. Berkich felt that the closed session would require approximately half an hour. After the closed session is adjourned, a recess is to be declared to allow the television cameras to be turned on. The meeting will reconvene into open session after that occurs. Supervisor Plank moved to go into closed session pursuant to NRS 288.220 to meet with management representatives concerning labor negotiations. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Masayko recessed the open session at 8:15 p.m.

B. OPEN SESSION - At 9:45 p.m. Mayor Masayko reconvened the open session. A quorum of the Board was present although Supervisor Tatro was absent as previously indicated.

C. ACTION TO APPROVE COLLECTIVE BARGAINING AGREEMENT WITH THE CARSON CITY CLASSIFIED CHIEF OFFICER'S ASSOCIATION (3-1738) - Chief Deputy District Attorney Paul Lipparelli and Association President and EMS Battalion Chief Vince Pirozzi - The Association had ratified the agreement. Copies of the agreement were available for the public. Association President Pirozzi suggested that the method under which the negotiations occur be addressed due to the time it had taken to complete the process. It is a fair and equitable contract. The salary and benefit survey may in the future assist with the process. Supervisor Bennett requested Association President Pirozzi submit any suggestions on the process to her in writing. She indicated that her request is no guarantee that those changes will occur. Association President Pirozzi indicated that he would meet with Mr. Lipparelli and critique the process in an attempt to smooth it out. Addition comments were requested but none given. Supervisor Smith moved that the Board of Supervisors approve the collective bargaining agreement with the Carson City Classified Chief Officer's Association as

presented and thank them for their past and future services to this community. Supervisor Bennett seconded the motion. Motion carried 4-0.

D. ACTION TO APPROVE COLLECTIVE BARGAINING AGREEMENT WITH THE CARSON CITY FIREFIGHTERS ASSOCIATION (3-1901.5) - Chief Deputy District Attorney Paul Lipparelli and Association President and Fire Captain Robert Schreihans - Association Representative Michael Dyer had reviewed the final contract language and approved it. Association President Schreihans indicated that his members had not had an opportunity to consider the contract. If the membership modifies the contract, the revisions will be presented to the Board for ratification. Mayor Masayko suggested that the Board ratify the contract with this understanding. It is a fair and reasonable contract. The wage and benefits survey will also cover this Association. Association President Schreihans indicated that the Association had conceptually ratified the contract. He did not believe that the final draft would cause a problem for the Association. The Association looked forward to the survey. Supervisor Smith expressed his concern about comments he had heard several months ago on the contract negotiation process and the Association's view of its elected officers. Those officers had approached the situation professionally and in a partnership-like manner which had resolved the issues a manner which was perceived to be beneficial. He hoped that the City's management team had conducted itself in a like manner. Association President Schreihans explained that the difficulty had been created by the procedural changes which had been implemented for the negotiations. Through his personal involvement, these issues had been addressed. Hopefully, with the survey, these problems will be eliminated in the future. Mr. Berkich commended all of the team members from both Associations for their participation, dedication, and efforts. Modifications to the procedures may be made as a result of those efforts. Mayor Masayko also commended all of the teams for their time, efforts, courtesies, and expertise. Supervisor Smith moved that the Board of Supervisors approve the collective bargaining agreement with the Carson City Firefighters Association and, also, thank them for their past and future services to the community. Supervisor Bennett seconded the motion. Motion carried 4-0.

There being no other matters for consideration, Supervisor Bennett moved to adjourn. Mayor Masayko seconded the motion. Motion carried 4-0. Mayor Masayko adjourned the meeting at 10 p.m.

The Minutes of the August 6, 1998, Carson City Board of Supervisors meeting

1999. ARE SO APPROVED ON ___March_4____,

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder