

**Carson City
Agenda Report**

Date Submitted: August 7, 2012

Agenda Date Requested: August 16, 2012

Time Requested: 15 Minutes

To: Board of Supervisors

From: Donna DePauw, Chair - Charter Review Committee

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

Staff Summary: The Charter Review Committee will provide a briefing of their meetings held on April 17, May 22, June 5, and June 25, 2012.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify) Status Report Only

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

Recommended Board Action: No Action, report only

Explanation for Recommended Board Action: N/A

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

Fiscal Impact: N/A

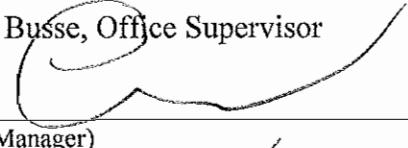
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: N/A

Supporting Material: Charter Review Committee meeting minutes for April 17, May 22, June 5, and June 25, 2012.

Prepared By: Janet Busse, Office Supervisor

Reviewed By: 
(City Manager)

Date: 8/2/12


(District Attorney)

Date: 8/2/12


(Finance Director)

Date: 8/2/12

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

2012 CHARTER REVIEW COMMITTEE

Meeting Date	Agenda Item	Final Action Taken
May 22, 2012	For Possible Action: Review, discussion, possible action on a request to the Board of Supervisors to change the Charter to allow a ballot question as whether election primaries be by ward.	Motion to request the Board of Supervisors to allow a ballot question to change the charter as to whether election primaries should be by ward. <i>Motion failed 5-4</i>
	For Possible Action: Review, discussion, possible action to request the Board of Supervisors that the Charter be changed to have elections of supervisors by ward in the primary.	<i>No action</i>
	For Possible Action: Review, discussion, possible action a request to have the Board of Supervisors request a change to the Charter to have supervisor by ward voted on in the primary and general election.	Motion to approve a request to have the Supervisors change the charter to have supervisor by ward voted on in the primary and general elections in Carson City. <i>Motion failed 5-4</i>
	For Possible Action: Review, discuss, possible action to change the Charter to make it mandatory that the city manager and all other department managers responsible for managing Carson City, when the city manager is absent from their position, be residents of Carson City for the duration of their employment. If a city manager when hired, lives outside of Carson City, must reside in Carson City 30 days from the date of appointment.	<i>No action</i>
	For Possible Action: Review, discussion, possible action on changing the Charter to elect five supervisors, with the rotation of mayor on a yearly basis.	<i>No action</i>

June 5, 2012	For Possible Action: For discussion and possible action, change to Charter Section 3.075, Internal Auditor; appointment; compensation; duties, and other matters properly related thereto, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	Motion to request staff to develop more defined language on a process for the internal auditor and the audit committee process for consideration at a future committee meeting. <i>Motion carried 7-1-1</i>
	For Possible Action: For discussion and possible action, amendment to the Charter requiring that a grand jury be impaneled at least once every 5 years, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	Motion to not recommend a charter amendment with regard to grand jury impanelment, as it is clearly defined in the Nevada Revised Statutes at this time. <i>Motion carried 9-0</i>
	For Possible Action: For discussion and possible action to recommend to the Board of Supervisors that the City's ethics ordinance be updated to require disclosure from all Carson City elected officials as to their business connections so that conflicts may be judged by the public, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	Motion to recommend to the Board of Supervisors to appoint a committee to review Chapter 2.34, Code of Ethics, and make recommendations for modifications. <i>Motion carried 9-0</i>
	For Possible Action: For discussion and possible action to recommend to the Board of Supervisors that the charter be amended to require the city manager and senior staff live within Carson City, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	Motion to not recommend to the Board of Supervisors that the Charter be amended to require the City Manager and senior staff to live within Carson City. <i>Motion carried 8-1</i>
		Motion to recommend to the Board of Supervisors to revise the job description of the City Manager to require residency within Carson City. <i>Motion failed 4-5</i>
	For Possible Action: For discussion and possible action to recommend to the Board of Supervisors that citizens committees must be open and properly noticed with complete agendas and minutes within a reasonable time frame, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No Action</i>

	For Possible Action: For discussion and possible action to recommend to the Board of Supervisors the charter be amended to require that personnel conducting negotiations on behalf of the City must not benefit in any manner including pay increases and any or all benefits as a result of those negotiations, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No action</i>
	For Possible Action: For discussion and possible action to recommend to the Board of Supervisors to amend the Charter to require the Board of Supervisors to review and update the citywide Masterplan and Economic Vitality Study every 5 years, a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>Deferred</i>
June 25, 2012	For Possible Action: Discussion and possible action to change the Charter Section 3.075, Audit Committee - Internal Auditor; Appointment, compensation, duties; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<p>Motion to not change Section 3.075 of the Charter relative to the Audit Committee. <i>Motion failed 4-5</i></p> <p>Motion to recommend to the Board of Supervisors to accept the compensation and duties, appointment, of the internal auditor position, as recommended. <i>Motion carried 5-4</i></p>
	For Possible Action: Discussion and possible action on an amendment to the Charter that doesn't allow additional fees of utilities to pay for state Medicaid/Medicare debt; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No action</i>
	For Possible Action: Discussion and possible action to request the Board of Supervisors allow a ballot question to have supervisor by ward in the primary election; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<p>Motion to recommend to the Board of Supervisors to allow a ballot question to have the nomination by ward in the primary election and election at large in the general election. Motion amended to clarify election by ward in the primary with the top two winners advancing to the general. <i>Motion carried 7-2</i></p>

	<p>For Possible Action: Discussion and possible action to change the Charter Sec. 1.080 - the candidates for membership of the Charter Review Committee must be appointed as follows: each supervisor, mayor shall appoint one candidate, each member of the senate and assembly delegation representing residents of Carson City shall appoint one candidate; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.</p>	<p>Motion to accept the language of paragraph 1, to appoint and not nominate, eliminate paragraph 2, and retain paragraph 3. Motion amended to indicate appointment of a member to the committee. <i>Motion failed 4-5</i></p>
	<p>For Possible Action: Discussion and possible action to change Charter 1.080 that appointments to Charter Review Committee be made when Legislators assume office or when sworn-in after general election, and the Board of Supervisors assumes office the 1st Monday in January, appointments to be made no later than the first Board of Supervisors meeting in February of each year; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.</p>	<p>Motion to change Charter Section 1.080 that appointments to the Charter Review Committee be made when legislators assume office or when sworn in after general election, and the Board of Supervisors assumes office the first Monday in January, appoints to be made no later than the first Board of Supervisors meeting in February of each year. <i>Motion failed 2-7</i></p>
	<p>For Possible Action: Discussion and possible action to change the Charter for all mandated appointment positions on all Boards, Committees and Commissions where required be made by Board of Supervisors no later than the Board of Supervisors first meeting in February of each year; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.</p>	<p><i>No action</i></p>
	<p>For Possible Action: Discussion and possible action on a Charter amendment that the Board of Supervisors review the Citywide Master Plan on a periodic basis either by segments or complete plan; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.</p>	<p><i>No action</i></p>

	For Possible Action: Discussion and possible action on a Charter amendment to require that when the Board of Supervisors considers spending more than \$20 million of City funds on a project it must go on the ballot and must have a majority vote of people before it can proceed; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No action</i>
	For Possible Action: Discussion and possible action that the Board of Supervisors must take responsibility for strict enforcement of all Municipal Codes in order to prevent further deterioration of neighborhoods and a further decline in property values and for the protection of safety of residents; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No action</i>
	For Possible Action: Discussion and possible action that the Economic Vitality Study be reviewed periodically by the Board of Supervisors; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No action</i>
	For Possible Action: Discussion and possible action to require members of the Board of Supervisors, the Mayor and all senior staff must take the same wage and benefit cuts that bargaining units negotiate; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.	<i>No action</i>

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A regular meeting of the Carson City Charter Review Committee was scheduled for 3:00 p.m. on Tuesday, April 17, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Bruce Robertson
Member Ronald Allen
Member Linda Barnett
Member Christine Fregulia
Member Rob Joiner
Member Stephen Lincoln
Member Chris MacKenzie
Member Larry Messina (via telephone conference call)

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Janet Busse, City Manager's Office Supervisor
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the Clerk 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 (3:01:40) - Vice Chairperson Lincoln called the meeting to order at 3:01 p.m. Mr. Glover called the roll; a quorum was present. Member Messina was present by telephone conference call.

3. PUBLIC COMMENTS AND DISCUSSION (3:02:42) - Vice Chairperson Lincoln entertained public comment. Mayor Robert Crowell thanked the committee members for their valuable service to the community. He assured the committee members that he would seriously consider their recommendations as they are forwarded to the Board of Supervisors. As the City's constitutional document, he advised that proposed revisions to the charter should be considered in that context. "... if there are enabling provisions of our charter that are necessary in order to carry out the policy of the City, ... that's extremely important ... and something to consider presenting to the legislature." Matters which can be handled either through regulation or through ordinance that are already authorized or can be authorized by the Board of Supervisors should be addressed outside the charter / legislative process. Mayor Crowell reiterated his appreciation of the committee members' time and effort and wished them good luck.

(3:05:30) John Vettel expressed appreciation to the committee members for their service, and advised of having served as a past committee member. He requested the committee to consider a recommendation to the Board of Supervisors "that the elections in Carson City for the Board of Supervisors not be done at large but ... by individual wards." He expressed the opinion that the individuals elected as supervisors should be representing the interests of specific areas in the City. He expressed a further interest in "more and more people run[ning] for these positions and, right now, running through the entire City is a much greater expense in terms of time and dollars than it would be to have to focus on an individual ward." Mr. Vettel reiterated the request for the committee to consider a recommendation to change the method by which supervisors are elected from at-large to individual wards. He wished the committee great success.

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(3:07:34) Dennis Johnson, a candidate for the Board of Supervisors, requested the committee to keep in mind “there may be changes that have to be made. There may be changes that don’t have to be made. Our Constitution was drawn up to make it changeable but very difficult to be changed.” He requested the committee to carefully consider agenda items, and wished them well. Vice Chairperson Lincoln entertained additional public comment; however, none was forthcoming.

4. POSSIBLE ACTION TO ADOPT THE AGENDA (3:08:32) - Vice Chairperson Lincoln entertained modifications to the agenda and, when none were forthcoming, a motion to adopt the agenda. **Member Allen so moved. Member MacKenzie seconded the motion. Motion carried 9-0.**

5. INTRODUCTION OF CHARTER REVIEW COMMITTEE MEMBERS (3:08:52) - At Vice Chairperson Lincoln’s request, each of the committee members introduced themselves, provided background information on their appointments, and discussed their interest in serving.

6. POSSIBLE ACTION TO ELECT A COMMITTEE CHAIR AND VICE CHAIR (3:12:54) - Vice Chairperson Lincoln introduced this item, reviewed the agenda report, and entertained nominations for chair. Member Joiner nominated Donna DePauw as chair. In response to a question, Mr. Werner explained the process for electing a new chair in the event the appointing official does not continue in office. Vice Chairperson Lincoln entertained additional nominations and, when none were forthcoming, closed nominations for chair and entertained nominations for vice chair. Member MacKenzie nominated Bruce Robertson as vice chair. Vice Chairperson Lincoln entertained additional nominations and, when none were forthcoming, closed nominations for vice chair and entertained a motion. **Member Joiner moved to “include the two nominees.” Member Allen seconded the motion.** Vice Chairperson Lincoln entertained additional discussion; none was forthcoming. At Mr. Munn’s request, he entertained public comment. When none was forthcoming, he called for a vote on the pending motion. **Motion carried 9-0.**

7. REVIEW AND DISCUSSION OF THE NEVADA OPEN MEETING LAW (3:15:35) - Chairperson-elect DePauw introduced this item, and Mr. Werner reviewed the agenda report. Mr. Munn narrated a PowerPoint presentation of the Nevada Open Meeting Law, copies of which were distributed to the committee members and staff prior to the start of the meeting.

In response to a question, Mr. Munn discussed the various methods by which public testimony is accommodated in open meetings. In response to a further question, he suggested that the history of the City’s Charter can be reviewed through legislative actions and the City Clerk’s records. Mr. Werner suggested contacting Ms. Busse and / or reviewing the minutes, which are posted on the City’s website, and reviewing the meeting records which are available through the Clerk’s office.

Chairperson-elect DePauw expressed concern over a committee member appearing by telephone conference call. In response to a question, Mr. Munn advised that technology sufficient to accommodate the committee member’s attendance by telephone conference call makes it permissible. He further advised that participating in an open meeting by telephone conference call is not unusual. “It happens quite regularly ... because of ... busy schedules.” Mr. Munn acknowledged the difficulties, especially in consideration of “too many people on a phone,” and discussed various methods to accommodate such a circumstance relative to meeting notice.

Chairperson-elect DePauw clarified her concern in that “the public doesn’t have the same option as the member to be on a phone and communicate.” Mr. Munn explained that laws are written for the “larger ... circumstance. You can’t write a law for every nuance that might occur. Sometimes the public who can’t

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attend certainly are not as actively involved in their government." Mr. Werner confirmed that committee members attending meetings by telephone conference call is a regular occurrence. He assured the committee members that Member Messina was listening to the conversation and could participate in discussion and action via the telephone conference call. "There's no advantage or disadvantage to having him on the phone." In response to a further question, Mr. Munn reiterated that too many committee members needing to participate by telephone conference call would likely result in meeting cancellation. "It becomes technically impossible." Chairperson-elect DePauw expressed opposition to "the general public [being] pushed out of the same system that is available to members." Mr. Munn and Mr. Werner reiterated the legality of the practice. Chairperson-elect DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, thanked Mr. Munn for his presentation. She recommended that the committee members carefully review the PowerPoint presentation. Mr. Munn acknowledged that he had been assigned as the committee's counsel. Chairperson-elect DePauw entertained public comment; however, none was forthcoming.

8. REVIEW AND DISCUSSION ON THE PROCESS AND TIMELINE FOR THE CHARTER REVIEW COMMITTEE (3:49:26) - Chairperson DePauw introduced this item and, at her request, Mr. Werner introduced City staff. Mr. Werner proposed the same process to advertise in the local newspaper and on the City's website for anyone interested in recommending a charter amendment. He advised of having received more than a dozen recommendations, to date, for which agenda reports will be prepared, including a staff evaluation for each. The accumulated items will then be agendized at the next meeting for committee review, deliberation, and possible action. Mr. Werner reviewed the time frame for presenting the committee's recommendations to the Board of Supervisors in July, as part of a joint meeting with the committee. He explained that the Board of Supervisors would make a determination, at that meeting, whether or not to forward the committee's recommendations to the State Legislature. The State Legislature then determines whether or not to amend the City Charter.

Member Joiner commended the process on behalf of the public. In response to a question, Chairperson DePauw referred to the bylaws, copies of which were included in the agenda materials, delineating the process for committee members to request agenda items. In response to a comment, Mr. Werner explained the necessity of specifics in consideration of agenda and agenda report preparation. In response to a further question, he explained that recommendations should focus on proposed revisions to the charter which may be necessary to the City's function. He further explained that City staff does not conduct any outreach relative to public education on the charter. "... that would be extremely difficult to do as it's more of an inner workings than it is a general community engagement, but there are people out there that do get engaged and those are the ones we want to hear from." He clarified that community outreach would be difficult, if not impossible, to accomplish in a meaningful framework for the general populace. He further clarified that anyone is welcome to visit the City Manager's, the Clerk's, or the District Attorney's Offices to talk about the charter "... or how it works."

Chairperson DePauw entertained additional questions or comments of the committee members; however, none were forthcoming. She suggested publishing the committee's meeting schedule in the local newspaper. In response to a question, Mr. Werner advised that none of the proposed revisions to the charter were agendized for this meeting because the committee had not yet been selected nor had the process been defined. He reiterated that approximately a dozen requests had been received, to date, and that they will be agendized for the next committee meeting.

Chairperson DePauw entertained public comment. (4:00:31) Dennis Johnson inquired as to whether the public submissions will be compiled in a list. Mr. Werner advised that a list will be compiled and made

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continually available to the committee. He referred to the matrix of committee actions from the 2010 process included in the agenda materials. He advised that each person who submits an item will be notified of the meeting at which the item will be heard by the committee. Chairperson DePauw entertained additional public and committee member comments. None were forthcoming.

9. POSSIBLE ACTION TO SET THE MEETING DATES AND TIMES OF THE CHARTER REVIEW COMMITTEE (4:01:43) - Chairperson DePauw introduced this item, and referred to the agenda materials. Mr. Werner advised of the limitations associated with scheduling the Sierra Room, and acknowledged that the proposed meeting dates and times, listed in the February 16, 2012 memo included in the agenda materials, were selected based on room availability. **Vice Chairperson Lincoln moved to commit to the May 22 and June 26 meeting dates at 3:00 p.m. Member Allen seconded the motion.** Chairperson DePauw expressed concerns with regard to limiting the committee meetings to two and with regard to accommodating the public's participation. She expressed the belief that there should be at least five meetings. Vice Chairperson Lincoln clarified the intent of his motion based on the availability of the meeting room on the dates listed in the February 16, 2012 memo included in the agenda materials. "... just to confirm those two dates. That's all the motion is; doesn't say anything about any more or any less meetings." Chairperson DePauw entertained additional discussion on the motion and public comment. When none was forthcoming, she called for a vote on the pending motion. **Motion carried 9-0.**

Chairperson DePauw entertained discussion relative to additional meeting times and dates. Mr. Werner suggested "see[ing] where we're at after the May 22nd meeting." Chairperson DePauw expressed the opinion "we need to get going on this since we have already so many agenda items and we don't know what's going to be coming in the near future." She expressed the further opinion that some of the items will have to be agendized more than once, and recommended scheduling the next meeting for Monday, April 30th at 5:30 p.m. She suggested that more people would be available to attend the meeting at the 5:30 p.m. time. She expressed the opinion that "at least two other" meetings should be scheduled, and reviewed the dates listed in the February 16th memo. Mr. Werner offered to re-review the available dates.

Member Allen expressed a preference to keep the meetings at 3:00 p.m. "because that does give us more time, especially if the agenda turns out to be lengthy ... No one wants to be around here half the night waiting to hear subjects come up ..." Chairperson DePauw expressed understanding for Member Allen's comments, but advised of having received input relative to a preference for 5:30 p.m. meetings. She expressed a preference for shorter meetings, and reiterated the suggestion for scheduling alternate dates. She further suggested "mixing and matching" the meeting start times to accommodate the public's various schedules. Member MacKenzie expressed a preference for scheduling the meetings at 3:00 p.m. Member Fregulia expressed a preference for scheduling the meetings at 3:00 p.m., noting that her ability to participate would be affected if the meetings are scheduled later in the day.

Member Allen suggested taking Mr. Werner's recommendation to conduct the first meeting and "see how those go and then see ... how many more are coming in." He noted that meetings can always be added, as necessary. Chairperson DePauw expressed a concern with regard to agendizing twelve items on the next agenda. "People can't go through that. It's not healthy." Vice Chairperson Lincoln suggested "maybe six of them are the same thing." Chairperson DePauw reiterated the preference to schedule the next meeting for Monday, April 30th. **Vice Chairperson Lincoln moved to table this discussion until the May 22nd meeting. Member Allen seconded the motion.** Chairperson DePauw entertained discussion on the motion. Member Joiner expressed no opposition to holding the next meeting in May "and letting staff get their ducks in a row and coalesce the 12 [items] down to how ever many it might be." He expressed concern over limiting the meetings to a certain number. Member Allen reiterated that additional meetings

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can be scheduled, as necessary. In response to a question, Mr. Werner advised that the committee has historically wrapped up its meeting schedule by the end of June in order to accommodate the State Legislature's bill draft request schedule. Member Joiner pointed out that everyone's schedule will become more impacted as spring turns to summer. He expressed no opposition to meeting in April or earlier in May. He expressed a concern with regard to ensuring the public and the committee are accommodated relative to consideration of items. Member Fregulia expressed support for the April 30th meeting date with the understanding "that was initially just to go through the list of items ... being brought in by the public for us to ... itemize and then prioritize. ... the other meetings ... may be much more efficient and focused once we have that initial meeting."

Chairperson DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, public comment. (4:15:03) Amy Clemens requested the committee to schedule an evening meeting in consideration of work schedules.

(4:15:36) Dennis Johnson requested "at least one evening meeting, the idea with the critical nature of the Charter Review Committee is to decide issues that affect ... the Carson City residents. So it's important that you give them an opportunity to come in and state their case for whatever it might be."

Chairperson DePauw entertained additional public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 7-2.** In response to a question, Member Allen reiterated the motion to table any further discussion until the May 22nd meeting. Chairperson DePauw requested staff to research additional meeting dates and times. In response to a question, Mr. Werner offered to research the meeting room schedule for each of the upcoming meeting dates to ensure no later conflicts.

10. PUBLIC COMMENT (4:18:37) - Chairperson DePauw entertained public comment. (4:18:48) Assemblyman Pete Livermore discussed the importance of public participation, and requested the committee's due consideration of the same. He thanked the committee members for their valuable service, and wished them well. Chairperson DePauw entertained additional public comment; however, none was forthcoming.

11. ACTION TO ADJOURN (4:20:38) - Member MacKenzie moved to adjourn the meeting at 4:20 p.m. Member Allen seconded the motion. Motion carried 9-0.

The Minutes of the April 17, 2012 Carson City Charter Review Committee meeting are so approved this _____ day of May, 2012.

DONNA DePAUW, Chair

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A regular meeting of the Carson City Charter Review Committee was scheduled for 3:00 p.m. on Tuesday, May 22, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Bruce Robertson
Member Ron Allen
Member Linda Barnett
Member Christine Fregulia
Member Rob Joiner
Member Stephen Lincoln
Member Chris MacKenzie
Member Larry Messina

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Janet Busse, City Manager's Office Supervisor
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the Clerk 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 (3:00:57) - Chairperson DePauw called the meeting to order at 3:00 p.m. Roll was called; a quorum was present.

3. PUBLIC COMMENTS AND DISCUSSION (3:01:33) - Chairperson DePauw entertained public comment; however, none was forthcoming.

4. POSSIBLE ACTION ON APPROVAL OF MINUTES - April 17, 2012 (3:01:46) - Member Lincoln moved to approve the minutes, as presented. Member Allen seconded the motion. Motion carried 9-0.

5. POSSIBLE ACTION ON ADOPTION OF AGENDA (3:02:24) - Member Joiner moved to adopt the agenda, as published. Member MacKenzie seconded the motion. Chairperson DePauw entertained public comment and, when none was forthcoming, called for a vote on the pending motion. Motion carried 9-0.

6. "REVIEW, DISCUSSION, AND POSSIBLE ACTION ON A REQUEST TO THE BOARD OF SUPERVISORS TO CHANGE THE CHARTER TO ALLOW A BALLOT QUESTION AS WHETHER ELECTION PRIMARIES BE BY WARD." (3:02:44) - Chairperson DePauw introduced this item, referenced the agenda materials, and introduced Mr. Glover. Chairperson DePauw entertained public comment. (3:03:37) In response to comments and a question of clarification by Andrea Engelman, Mr. Glover advised that elections in Carson City are conducted pursuant to the statute not pursuant to the City Charter. In response to a further question, he advised that elections in Carson City "are run like a county election. ... the only time you have a city election, they've only done it once, and that was for bond

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election.” Ms. Engelman advised of a ballot question “years ago … in Carson City … whether or not the primary … should be by ward. And it failed by one vote. … and then we had it in 1992 again.” She advised of having been informed by Mr. Glover that the City is required to be divided into wards “by federal law.”

In response to a question, Mr. Glover clarified that the 1984 ballot question was defeated by 65 votes and the 1992 ballot question “was a dead tie and, therefore, it failed because no one asked for a recount and there was no constituent to do it.” Ms. Engelman advised that she had backed the 1992 ballot question. She further advised that ward voting has been presented to the Charter Review Committee on several occasions in the past. “Sometimes it’s gone forward to the Board of Supervisors and the Board of Supervisors didn’t allow it to go to the ballot or the public to vote on it. So, it’s been twenty years. Coincidentally, the Legislature came up with a bill in the last session and Carson is one of four entities that doesn’t have a vote by ward … And the bill at the Legislature would have required Carson City to have the entire election by ward and then would have allowed the public to vote on whether or not they wanted to keep it. The bill passed, it went to the Governor, and the Governor vetoed it only because of Reno …”

Ms. Engelman advised that the bill will be reintroduced at the next legislative session, and requested that a ballot question be presented to the public “to vote on once again to hold the primary, only, by ward and then the rest of the election be citywide. That way, people who feel that the Board of Supervisors, the representative is out of touch with them would have some way of feeling that they have their representative that they can call. And, yet, at the same time, because they would be running citywide in the general, they would have the overall view. The mayor, of course, would continue to run citywide.”

In response to a question, Ms. Engelman referenced the Governor’s veto message in the agenda materials. “… the Governor says it’s not the ward elections that he was concerned about. It was because they put in an extra at-large position in Reno and that was why he vetoed it. That has been since corrected so that would change.” Ms. Engelman expressed confidence that a ballot question would provide for her to “get Carson City removed from the bill at the legislature. The thing that the legislature was most upset about was the lack of access to the ballot by the people; the fact that they weren’t allowed to vote on these things.”

In response to a question, Mr. Glover explained that the only counties which elect by district are Washoe and Clark. “All of the rest of them elect by [ward]. And one of the counties … run at large. … The idea is to make sure people live in certain areas of the county.” Ms. Engelman stated, “My feeling is … legislators come from different districts but they come together and they vote about the state as a whole.” In response to a question, Ms. Engelman expressed the opinion that if a ballot question was defeated, there would not be another bill at the legislature. Member MacKenzie inquired as to “what’s changed since the last time they voted on it … in terms of rationale …” Ms. Engelman expressed the opinion that “most people think they are voting by ward.” In response to a question, Mr. Glover advised that candidates who run unopposed appear to have the same number of votes citywide. “You don’t see a candidate for Ward 1 getting a whole lot of votes in Ward 1 but trailing off in 2, 3, and 4 …” He offered to research the numbers. Ms. Engelman advised that an assembly candidate “lost in her own ward … last year.” She expressed the opinion “there’s sometimes a dislocation between the person who’s representing a ward and the people in the ward.”

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Member Joiner advised of having supported SB 304 during the last legislative session, and discussed details of the same. Based on his own citywide campaign experience, he advised of “life long members of Carson City that have only voted in Carson City say, ‘What are you doing in my ward? You live in that one.’” Member Joiner expressed the opinion that no one questions citywide representation once elected, and support for SB 304 “as it was written in the last session, as it was vetoed by the Governor on a technicality because of Reno, and strong lobbying by the City of Reno because of their particular circumstance.” Member Joiner expressed a preference for a ballot question “for both the primary and the general to run and be elected by ward.”

Ms. Engelman acknowledged the advantage of voting by ward is that one person represents you. Vice Chairperson Robertson pointed out that “right now, you have five people you can go to if you have a problem or you want to see something changed.” Ms. Engelman stated, “You still could go to five people and, certainly, the mayor represents everyone ...” She expressed a commitment to support primary elections by ward.

In reference to information contained in the agenda materials, Member Messina pointed out “there are possibilities that within one ward, someone could be elected supervisor with only a very, very small number of votes.” In response to a question, Ms. Engelman advised of the requirement for three people to run. “If only two people are running, it would immediately go to the general. There would be no primary. The purpose of a primary is to get it down to two candidates.” She acknowledged the possibility of a candidate winning the primary by 51 percent of the vote, “but you have that even in partisan elections.”

Member Allen expressed understanding for the advantages of campaigning in only one ward, but uncertainty as to “any other benefit to electing only by a ward.” In reference to earlier comments, he noted the five members of the Board of Supervisors who are available to any citizen in any ward. He expressed concern that citizens would be reluctant to go to an elected official outside their ward. He expressed the opinion that Carson City is small enough to not warrant ward voting. He noted the costs associated with segregating ballots by ward as opposed to citywide election ballots. Ms. Engelman reiterated support for ward voting in the primary election only. She complimented Mr. Glover on the even distribution of population in each ward, and a brief discussion followed.

Ms. Engelman acknowledged the request for a ballot question. In response to a question, Mr. Glover advised that there is insufficient time to place a question on the 2012 ballot. He responded to questions of clarification regarding the anticipated time line for placing a question on the 2014 ballot. Ms. Engelman acknowledged the possibility of a candidate receiving more than fifty percent of the vote in the primary election and, therefore, removing the opportunity to be voted on in the general election. “... the same thing happens right now in elections.”

Chairperson DePauw entertained additional committee member questions; however, none were forthcoming. She discussed a concern “over lawsuits in regards to minority status and we have approximately 25 percent minority status within Carson City and that was one of the reasonings ... when we looked at this question ... in ‘92 when it went to the people.” She advised of having the “same impression that Reno, now, even though they have vote by ward, they’re going to the general because of this reason.” She requested input of Mr. Munn and Mr. Glover.

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Mr. Glover acknowledged Chairperson DePauw's concern as "the big issue ten years ago." He provided background information on problems associated with ward voting ten years ago, including punch card ballots and that school boards had to be elected the same as the Board of Supervisors. He explained changes to the law, since that time, relative to school board elections. "With regard to the minority groups, ... it's not clear cut. It's a rather complicated process and the Justice Department takes into consideration a lot of issues in that area. Ten years ago, the standard was if the community was 50,000 or so, they were pushing to have you go to district voting, but they also take into consideration minority populations and ... if there's a past history of discrimination. Carson does not have that which we are very fortunate. What kind of emphasizes that is this year, the Justice Department is not requiring Carson to go to multi languages on the ballot because ... our minority population is not large enough yet and we have no history of discrimination. But they also take into [account] not only the number of minorities, but are they of voting age, are they eligible to vote; a whole lot of things go into that formula." Mr. Glover expressed the opinion that is not "an issue this time. The issue of ward versus election at large for both primary and general might be." He suggested requesting the District Attorney to research the issue. "You don't know until [the] Justice [Department] comes in and tells you you have to or there's a lawsuit filed or something like that."

In response to a question, Mr. Glover supposed "we can be sued for anything ... as the District Attorney knows." He referenced Georgia case law relative to a minority candidate, as an example. "It was actually opposite of where the courts had been going for the last twenty years. So, you never know what the federal courts are going to do." In response to a further question, Mr. Glover advised that he is developing a fiscal note relative to the costs associated with ward voting. He provided background information on the method by which elections are programmed, based on the number of wards and a ballot style. "But then if you had ward voting, for example, ... that adds another two ballot styles ..." Mr. Glover advised of having researched the printing costs for the sample ballot and concluded that the increase would amount to approximately \$400 or \$500. "The cost really appears to come in from printing the sample ballots because we have the State Printing Office do that for us and, as printers, they run through with one ballot style and ... then change it. ... There appears to be quite a bit of difference, but we're waiting for those figures to come in from State Printing." Mr. Glover advised that he would compare the printing costs for the sample ballots with those from four years ago.

Member Lincoln inquired as to how passage of the subject agenda item would affect items 7 and 8. Based on voter rights cases reviewed, Mr. Munn advised "the issue is at-large voting in the primary. What the courts will look at is whether, over a long period of time, there's been a history, statistically supported, where a block of white voters is always canceling the vote of a smaller minority group of voters." Mr. Munn reviewed statistics from a 2004 Montana case, and issues from a U.S. Supreme Court case which he referenced as *Jingles*. "So the Justice Department would come back, if let's say they sued Carson City, they would go into and we would have to go into the statistics of elections all the way back for ... fifty years ... to try and figure out whether we are falling into this category of a voter bloc causing ..., over time, ... a discrimination ..."

Member Barnett suggested that items 6, 7, and 8 are progressive "as to what to do. And it seems that if we said yes to number 8, that would completely invalidate number 6." In reference to agenda materials, Mr. Munn explained the method by which Reno elections are conducted by ward. "Reno's analysis ... is that going back through their statistics ... the City Attorney stated, in public forum, that they should make the change." In response to a question, Chairperson DePauw provided background information on items 6, 7, and 8.

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Chairperson DePauw entertained public comment. (3:36:57) Ward 2 Candidate Dennis Johnson echoed Ms. Engelman's and Mr. Joiner's comments. "Most of the people I've talked to out there, one of the three or four main questions is 'Why are you here? You're not in my ward.' ... They want to look specifically that they have somebody that they can, in essence, take ownership of; not an at-large thing that this ownership issue, if you will, is kind of a nebulous thing that they really don't understand." In reference to previous comments, Mr. Johnson suggested deferring action and requesting the *Nevada Appeal* to conduct a poll.

(3:38:29) Ward 2 Candidate Maurice White encouraged the committee to take action on the item "at least on moving the wards vote in the primary." He discussed his campaign experience, and expressed the opinion that "by doing it by the primary, it would also encourage other people to get in." He estimated his campaign costs at \$14,000 for the primary election, and encouraged ward voting for the primary election. In response to a question, he expressed support for "either way the residents of this community want it done." He expressed support for the "value in either way that it's done. ... Primary voting is the bottom line essence of what gets people in or out of participating in this process." Discussion followed.

In response to a question, Mr. Glover provided additional clarification regarding the time line associated with a ballot question relative to the subject item and relative to item 7. (3:43:36) In response to a question, Ms. Engelman advised that "if the Board of Supervisors is moving forward to put this ballot question before the public, that's all the legislature needs to hear and then we can be removed from the bill."

In response to a question, Mr. Glover estimated the fiscal note associated with the subject item at \$5,000. He acknowledged the statutory requirement for ballot question committees. In reference to the agenda materials provided by the Clerk's Office, Mr. Glover noted the "size of Carson City at 55,000 with the minority population, Hispanic basically, of 21.3 percent. ... These are people who are physically residing in that ward but may or may not be qualified electors, i.e., non-U.S. citizens and that does play into that." He advised of having compared census figures for Carson City and other counties throughout the state, and reviewed the same. He reviewed campaign costs "over the last couple elections" by ward, and responded to corresponding questions of clarification. He discussed the ease by which recalls are conducted by ward. He expressed disagreement with the legislature. "They threw us in with Henderson, Sparks, Reno, Boulder City. Carson is not a city. We're neither a city nor a county, yet they treated us like a city. We operate under state law, for elections and everything else, as a county unless ... the Board chooses to become a city and then, by resolution, they can declare themselves a city and operate under city law. They don't do that very often. Twice that I know of: once for a hospital bond election and once to appoint somebody to some Lake Tahoe committee that we picked up an extra vote ..." Mr. Glover suggested the committee considering "amending the charter further. ... you could have true minority control of a ward in a primary because you're only getting thirty percent of the people and if you can get fifty percent plus one vote, that's a real small percentage of the ward and of the city as a whole. ... top two go to the general." Relative to the Clerk's Office, Mr. Glover discussed the issue of challenges. "With everyone running at large in Carson and non-partisan, frankly, we don't care where you all live. If you come in to vote and you've moved, it really makes no difference to us because if you're challenged on the grounds of residency, you get to vote ... everything on that ballot ... you are entitled to vote except for the district you don't live in and, in the past, it's been senate district ... But, now that we have one senate and one assembly district, it doesn't really matter. We want people in their correct wards. We watch that very closely, but if they're not, they can be challenged on the grounds of residency and not allowed to vote in that ward." Mr. Glover discussed an ongoing North Las Vegas lawsuit, as an example.

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(7:44:38) Ms. Engelman thanked Mr. Glover, and expressed the opinion “a lot of those are issues that would be talked about in a campaign. ... the question now is ... whether or not this should go to the Board of Supervisors to consider putting the ballot question on the ballot at all.” She expressed support for Mr. Glover’s suggestion to change the charter “so that people couldn’t win in the primary with fifty percent if we ... went to a primary by ward.”

Chairperson DePauw entertained a motion. **Member Lincoln moved to request the Board of Supervisors to allow a ballot question to change the charter as to whether election primaries should be by ward. Member Fregulia seconded the motion.** In response to a question, Mr. Munn advised that the committee should not forward inconsistent actions. “... if you pass this one, you’ve asked ... the Board ... to do a ballot question.” Upon further consideration, he suggested that “this advisory committee [could be] supportive of all three of these concepts,” and request the Board to decide. Member Lincoln acknowledged his motion did not include Mr. Glover’s suggestion to amend the charter to remove the possibility of being elected by more than fifty percent of the vote in the primary. Chairperson DePauw requested a roll call vote, the results of which were as follows: Members Allen, Joiner, MacKenzie, Messina, and Vice Chair Robertson - No; Members Barnett, Fregulia, Lincoln, and Chairperson DePauw - Yes. **Motion failed 5-4.**

7. “REVIEW, DISCUSSION, AND POSSIBLE ACTION TO REQUEST THE BOARD OF SUPERVISORS THAT THE CHARTER BE CHANGED TO HAVE ELECTIONS OF SUPERVISORS BY WARD IN THE PRIMARY.” (4:00:50) - Chairperson DePauw introduced this item, and entertained committee member discussion. When none was forthcoming, she entertained public comment.

(4:01:47) Ward 2 Candidate Dennis Johnson expressed a preference “to just keep [his] comments the same on all of the issues and let the people have the vote by ward; no change in the comments from the original question.”

Member Joiner clarified the subject item represented a recommendation to the Board of Supervisors which would have to be forwarded by them to the legislature. Chairperson DePauw entertained additional comments and, when none were forthcoming, a motion. None was forthcoming.

8. “REVIEW, DISCUSSION, AND POSSIBLE ACTION ON A REQUEST TO HAVE THE BOARD OF SUPERVISORS REQUEST A CHANGE TO THE CHARTER TO HAVE SUPERVISOR BY WARD VOTED ON IN THE PRIMARY AND GENERAL ELECTION.”

(4:02:40) - Chairperson DePauw introduced this item, and entertained comments or questions of the committee members. Member Messina expressed the opinion that “we have five elected officials that run the City and, as a citizen, ... I want to be able to vote for all five. I want my vote to count for all five, not just two.” Member Allen expressed agreement with “that exact same statement.” He expressed the belief that “it’s more fair to the taxpayer if you have five people that you can go to if you have a problem and / or a solution that you’re looking for as opposed to just one or two.” Member Joiner expressed the opinion that, “until we have true campaign reform, like is being discussed at other levels of government, to limit the amount spent and how you campaign, ... this is necessary. It’s a very regressive thing that many people are intimidated and just flat broke to a point that they cannot run for office and ... it’s discriminating against certain folks.” He expressed support, and advised of having “represented a government and lobbied against this same bill in ... 2009 There’s a lot of reasons why it’s better to bring this down to a local level.

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Everybody represents everybody that's elected. We've gone way beyond that. ... This just makes it a more level playing field. ... Reform begins at the local level," and Member Joiner expressed strong support for "allowing people to run in our neighborhoods. They represent all of us." He reiterated support for the item.

Chairperson DePauw entertained public comment and, when none was forthcoming, a motion. **Member Joiner moved to approve a request to have the Supervisors change the charter to have supervisor by ward voted on in the primary and general elections in Carson City. Member Lincoln seconded the motion.** Chairperson DePauw requested a roll call vote, which results were as follows: Members Allen, Fregulia, MacKenzie, Messina, and Vice Chair Robertson - No; Members Barnett, Joiner, Lincoln, and Chairperson DePauw - Yes. **Motion failed 5-4.**

9. "REVIEW, DISCUSSION, AND POSSIBLE ACTION TO CHANGE THE CHARTER TO MAKE IT MANDATORY THAT THE CITY MANAGER AND ALL OTHER DEPARTMENT MANAGERS RESPONSIBLE FOR MANAGING CARSON CITY, WHEN THE CITY MANAGER IS ABSENT FROM THEIR POSITION, BE RESIDENTS OF CARSON CITY FOR THE DURATION OF THEIR EMPLOYMENT; IF A CITY MANAGER, WHEN HIRED, LIVES OUTSIDE OF CARSON CITY, MUST RESIDE IN CARSON CITY THIRTY DAYS FROM THE DATE OF APPOINTMENT." (4:08:40) - Chairperson DePauw introduced and provided background information on this item. She entertained committee member comments. Member Lincoln suggested a revision to the wording of the agenda item.

Member Allen expressed opposition to this item, and the opinion that "you're limiting your access to very well qualified people by ... doing that, especially here in Carson City." He noted "the Lyon County line is only a couple miles one direction and the Douglas County line is only a couple miles another one and Washoe, and there's a lot of good people that might live even just barely across the line but they wouldn't be able to partake ... without great cost to them of having to move." He reiterated the opinion that "by doing something like this, ... you're just really limiting the pool of qualified people that you can get to run the City." In response to a comment, Member Allen discussed the "great cost" associated with "get[ting] rid of where they are and move and purchase or wherever they're going to be able to do that and ... that would limit a lot of people in their decision to apply for a position."

Member Messina inquired as to a definition of "residence," and suggested that "thirty days to sell their house, buy a new house, and move seems quite restrictive." Vice Chairperson Robertson expressed agreement with Member Allen's comments, and inquired as to the reason the requirement would be applicable only to the City Manager. Chairperson DePauw stated that "it would apply to ... the person who is placed in the position if the City Manager was out of the area at the time to handle all city affairs. So, when the City Manager is absent, ... the second in charge within the City must be a resident." Vice Chairperson Robertson reiterated the inquiry as to the applicability of the requirement. He suggested that "if you have this, people will not apply that might be the best candidate for the job just because they don't want to move."

Member MacKenzie suggested the possible scenario "especially in this economic environment, where you have a good candidate come up and they're upside down in their home and they're one mile outside the boundary of Carson City and they can't sell their home because of the economic impact ..." He expressed agreement with Member Allen in terms of hiring "the right person for the job, and if they're going to do the best job, let's not draw an arbitrary line."

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Member Barnett advised that private sector employees usually have to move and expressed the opinion “the same ought to be done for the public sector.” She discussed her experience moving from California to accept her present position of employment. Member Joiner expressed understanding for wanting “your top executives that are highly compensated in your city to have some investment in your town and maybe pay their property tax here.” He expressed understanding for “both sides,” and suggested the issue should be considered on a candidate-by-candidate basis. Member Lincoln inquired as to additional background information on the item, and Chairperson DePauw advised of citizens present in the audience “who can answer that.”

Chairperson DePauw entertained additional committee member comments and, when none were forthcoming, entertained public comment. (4:16:56) Ward 2 Supervisor Candidate Dennis Johnson advised of having requested the item, and read his request into the record. In reference to his “working life and consulting life,” he discussed his knowledge of requirements for senior management “to live in the town because they made decisions that affected the town. If they are disconnected from the town, then there’s no real basis to be cautious.” He acknowledged the hardships associated with relocating, but expressed the opinion that public employees should be held to the same standard as private industry employees.

(4:19:00) Andrea Engelmaan stated that the requirement for the City Manager to live in Carson City “was always part of Carson City’s personnel requirements. It got removed at the time that Larry was put into the job. ... it has to do with whether or not this is an appropriate personnel requirement.” Ms. Engelmaan suggested various scenarios in which the City Manager and senior management living outside Carson City could be a detriment. “It’s a perception thing.” Ms. Engelmaan expressed the opinion, “the person that is running the City ought to live in the City. If he’s proposing taxes, he ought to be paying those taxes. Whether or not he moves here in thirty days or ninety days, that’s open to negotiation.” She suggested the possibility of a ballot question, and reiterated the opinion “the person that represents Carson City and is talking to people about moving here ought to live here.”

(4:21:14) Alan Glover, “a resident for 63 years,” advised of his experience relative to participating in the interview process for city managers and senior management. He stated, “You’re really limiting your pool of great professional people who might live in the area who will not put in because they cannot afford to move from Douglas or Washoe ... but could really contribute a lot to Carson ...” He noted the numbers of people leaving Carson City. “... really talented people can go other places to work. ... We’re not just losing lower economic people out of Carson. We may be losing some higher end people who can go to work anywhere they want to. Those are the kind of people we want to attract to head up our departments and move Carson along technically. ... Just because you live somewhere doesn’t make you very competent in your job necessarily.”

(4:23:39) In response to a previous comment, Ms. Engelmaan advised of the requirement for Andrew Klinger to live in Reno “for him to get that job.”

Mr. Werner advised that the Board of Supervisors currently has the authority to require residency of senior management. “In most cases, it has been that way. But, in my case, it was a little unique and there were some unique circumstances there. But, when I leave, they could certainly very well put that requirement back on. ... There’s nothing that precludes the Board from doing that.” Mr. Werner expressed the opinion “you could get that situation back to a residency requirement either for a department director or the City Manager, but you don’t need to change the charter to do that.” He expressed concern that a charter

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amendment could render negotiations difficult or even impossible. He did not disagree with requiring residency of the City Manager and senior management, “but, depending on the circumstances, you may not want to limit yourself to that being an absolute.”

Member Joiner expressed appreciation for Mr. Werner’s comments and for Mayor Crowell’s comments, during the April meeting, relative to requesting changes to the charter which could otherwise be accomplished by ordinance. He suggested that the City’s personnel code could be more easily changed, and discussed the importance of senior staff being readily available for emergency management situations.

In response to a question, Mr. Munn advised that the committee could not take action to change the subject agenda item. He suggested the wording of the agenda item limits the committee’s options. “... essentially, the sentence structure is ... this is our outcome if we vote for this. You didn’t leave any option to go elsewhere.” He suggested reagendizing the item with broader wording.

Chairperson DePauw entertained additional questions or comments of the committee members and of the public. When none were forthcoming, she entertained a motion. None was forthcoming. Member Joiner expressed agreement with the suggestion to reagendize the item for action relative to an ordinance or a revision to the City’s personnel code.

10. “REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CHANGING THE CHARTER TO ELECT FIVE SUPERVISORS, WITH THE ROTATION OF MAYOR ON A YEARLY BASIS.”

(4:29:04) - Chairperson DePauw introduced this item and, at her request, Member Barnett provided background information. Member Messina expressed concern with regard to the item, and the opinion that “the Mayor is the face of the City and if we change that face every year, ... it just confuses people.” He noted the ceremonial aspect of the Mayor’s position, and suggested “some supervisors are not good at ceremonial type things so they wouldn’t run for mayor, they wouldn’t run for supervisor.” Member Messina expressed the opinion that the supervisors should not be “forced ... to take on that role.”

Chairperson DePauw stated, “We see this in Douglas County. That’s how they do it; doesn’t seem to be a problem. It’s been brought to this committee before.” She expressed agreement that “the Mayor ... has special responsibilities, but ... it’s also, what’s so wrong with allowing other people? They’re looking at a policy and procedure program right now that ... works with boards, committees, and it’s recommending that their chairs be rotated so it’s kind of the same circumstance. That’s what they are recommending that it’s a forced issue no matter what.”

Member Lincoln inquired as to the mechanism of rotation, and suggested that the four-year terms may preclude someone from serving in the position of mayor. Discussion followed. In reference to the presentation and discussion relative to item 6, Member Joiner noted “sometimes we’re a city when we want to be a city and we’re a county when we want to be a county.” He related the Washoe County Commission’s mechanism of rotation, and expressed the opinion that it could work in Carson City as well. He expressed agreement with Member Messina’s comments relative to the Mayor being “elected as the ... face of the City.” Member Allen suggested “it works ... because they’re actually county commissioners and it’s not the same ... The Mayor is the person, when a newcomer comes to the City and they want to do something, they know where to go. ... In Washoe County or Clark County, that’s a whole different story in that, ... they’ll go to the head of the county commission, but if they’re doing something in Las Vegas, they don’t go to the head of the county commission for that, they go to the Mayor of Las Vegas.” Member

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Allen expressed the opinion, "In this case, we have to put our city hat on as opposed to our county hat and we need to look at how we should be doing it as a city and not as a county." Chairperson DePauw expressed the opinion "the majority of people in this town couldn't even tell you who our mayor is." She related an experience at a local drug store, as an example. "Sad to say, but some of us are a little bit more educated, politically, than others. ... People are just not as educated as we are or we would like to see them be ..." Member Messina acknowledged there are many citizens who don't take any interest whatsoever, "but there's also an awful lot that do." He recalled the Mayor receiving 15,000 votes in the last election, and suggested "that's a good percentage of people. ... the majority of the people know who the mayor is." Member MacKenzie expressed the opinion that the obligations of the Supervisors and the Mayor "are distinct and ... we've had some very good Supervisors that would not have made very good Mayors."

Chairperson DePauw entertained additional committee member comments and, when none were forthcoming, public comment. When none was forthcoming, she entertained a motion. Member Barnett moved to change the charter to elect five supervisors with the rotation of mayor on a yearly basis. Motion died for lack of a second.

11. "REVIEW AND DISCUSSION OF PRIOR CHARTER REVIEW COMMITTEE ACTIONS AND RECOMMENDATIONS FOR YEARS 2006, 2008, AND 2010; INFORMATION ONLY."

(4:39:14) - Chairperson DePauw introduced this item, referenced the agenda materials, and provided background information. Vice Chairperson Robertson and Member Fregulia expressed appreciation for the agenda materials relative to this item. Discussion followed, and Chairperson DePauw entertained public comment. None was forthcoming.

12. "REVIEW OF PRIOR MINUTES FROM LAST 2010 CHARTER REVIEW COMMITTEE MEETING; INFORMATION ONLY." (4:43:45) - Chairperson DePauw introduced this item, referenced the agenda materials, and provided background information. She entertained questions or comments of the committee members and the public; none were forthcoming.

13. "REVIEW, DISCUSSION, AND POSSIBLE ACTION ON ADDITIONAL MEETING DATES FOR CHARTER REVIEW COMMITTEE." (4:44:58) - Chairperson DePauw introduced this item, and Mr. Werner discussed possible meeting dates and times. Discussion ensued, and Mr. Werner advised of the requirement, relative to bill draft time frames, to present the committee's recommendations to the Board of Supervisors at their August 2nd meeting. Following additional discussion, **Member Lincoln moved to hold meetings on June 25th, July 17th, and a joint meeting with the Board of Supervisors on August 2nd. Member Joiner seconded the motion**, and suggested scheduling an additional meeting in June. Following additional discussion, **Member Lincoln amended his motion to include June 5th at 2:30 p.m., to change or to set the time at 2:30 on June 25th, set the time at 2:30 on July 17th, and to leave the August 2nd date the same. Member Joiner continued his second.** Motion carried 9-0.

14. "DISCUSSION OF ANY NEW AGENDA ITEMS FOR FUTURE CHARTER REVIEW COMMITTEE MEETINGS." (4:56:14) - Chairperson DePauw introduced this item, referenced the agenda materials, and advised of other, future agenda items. In response to a question, Ms. Busse requested any additional items for the June 5th agenda to be submitted by the last week in May. Chairperson DePauw entertained additional future agenda items; however, none were forthcoming. (4:59:34) In consideration of the Memorial Day holiday, Mr. Werner requested Chairperson DePauw to submit the draft agenda by Friday, May 25th to accommodate Open Meeting Law posting requirements.

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15. PUBLIC COMMENT (4:58:20) - Bill Prowse advised of having reviewed that section of the Charter relative to the City's internal auditor, and described it as "significantly out of date." He further advised of having submitted a proposed revision and inquired as to when it will be agendized. Member Allen advised that the item was on the list of future agenda items. (5:00:18) Chairperson DePauw entertained additional public comment; however, none was forthcoming.

16. ACTION TO ADJOURN (5:00:29) - Member Allen moved to adjourn the meeting at 5:00 p.m. Member MacKenzie seconded the motion. Motion carried 9-0.

The Minutes of the May 22, 2012 Carson City Charter Review Committee meeting are so approved this
____ day of June, 2012.

DONNA DePAUW, Chair

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A regular meeting of the Carson City Charter Review Committee was scheduled for 2:30 p.m. on Tuesday, June 5, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Bruce Robertson
Member Ron Allen
Member Linda Barnett
Member Christine Fregulia
Member Rob Joiner
Member Stephen Lincoln
Member Chris MacKenzie
Member Larry Messina

STAFF: Larry Werner, City Manager
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / 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 (2:31:01) - Chairperson DePauw called the meeting to order at 2:31 p.m. Roll was called; a quorum was present. Member MacKenzie arrived at 2:49 p.m.

3. PUBLIC COMMENTS AND DISCUSSION (2:31:37) - Chairperson DePauw entertained public comment. (2:31:57) Independent American Party State Chair John Wagner expressed support for "voting by districts." He advised that the Independent American Party lobbied before the legislature in support of district voting. "SB ... 430 was passed out of both houses of the legislature last time only to go to the Governor to veto it." Mr. Wagner requested the committee to reconsider ward voting at a future meeting. Chairperson DePauw entertained additional public comment; however, none was forthcoming.

4. POSSIBLE ACTION TO ADOPT THE AGENDA (2:34:02) - Chairperson DePauw entertained a motion to adopt the agenda. **Member Lincoln moved to adopt the agenda, as presented. Member Joiner seconded the motion. Motion carried 8-0.**

5. "FOR DISCUSSION AND POSSIBLE ACTION, CHANGE TO CHARTER SECTION 3.075, INTERNAL AUDITOR; APPOINTMENT; COMPENSATION; DUTIES; AND OTHER MATTERS PROPERLY RELATED THERETO; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS" (2:34:22) - Chairperson DePauw introduced and explained the wording of the agenda item. (2:36:07) Bill Prowse provided background information on this item, reviewed the agenda materials, and responded to corresponding questions of clarification. In response to a question, Mr. Munn advised that the ordinance which created the Audit Committee would need to be revised to accommodate the proposed Charter amendment. Mr. Prowse explained his intent for the Charter to "parallel the existing ordinance." In response to a question, he expressed the opinion that the "ordinance ... gives more detail. The charter authorizes the existence and basic structure is the way I see it." He provided additional background information on creation of the Audit Committee by ordinance. In response to a further question, he expressed the opinion that the proposed charter amendment "creates a legal basis ... for an

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audit committee." He deferred to the District Attorney, but expressed the opinion based on his experience, "those are the kinds of things that leave auditors out hanging and gives other people the opportunity to attack their results if they don't like them. It makes them more vulnerable." He reiterated the opinion "it's a legal issue if nothing else."

Chairperson DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, public comments. None were forthcoming. In response to a question, Mr. Munn expressed the opinion that an ordinance is just as valid to establish an audit structure. "... not every government organization is under a charter." [Member MacKenzie arrived at 2:49 p.m.] (2:50:26) Mr. Prowse suggested "if you've got a charter, you should use it and try to keep it relevant and current." He expressed the opinion "there's a conflict between the two and should be resolved somehow."

In response to a further question, Mr. Munn explained the process by which the proposed Charter amendment would be submitted to the legislature. He explained that Mr. Prowse's proposed language would "essentially ... change the mission from being the internal auditor, who reports to the Board, does certain things. It would be an internal auditor, who's essentially reporting to the Audit Committee, will do certain things. So, it does change the governance of how audits are done in this City. So, in that regard, the creation of the Audit Committee as it now stands under ordinance is the Board appoints those individuals. If you're going to change the governance of how we're going to do audits, then the creation of the committee should likewise be in this whole process for internal auditor."

In response to a question, Mr. Werner advised of no problems associated with the function of the Audit Committee under the current ordinance. He provided background information on the rather lengthy process of hiring a contract internal auditor, and advised of minimal experience with the Audit Committee relative to the internal auditor in relationship to the Board of Supervisors.

Member Joiner expressed appreciation for Mr. Prowse's proposed amendment, referred to Mayor Crowell's comments at the initial committee meeting, and expressed support for audits being conducted independent of direct oversight by the Board of Supervisors. Chairperson DePauw expressed support for the proposed amendment, and requested Mr. Munn to develop appropriate language for consideration at the next committee meeting.

Chairperson DePauw entertained additional public and City staff comments and, when none were forthcoming, a motion. **Member Joiner moved to request staff to develop more defined language on a process for the internal auditor and the audit committee process for consideration at a future committee meeting. Member Lincoln seconded the motion.** Chairperson DePauw entertained additional questions or comments and, when none were forthcoming, requested a roll call vote. **Members Barnett, Fregulia, Joiner, Lincoln, Messina, Vice Chairperson Robertson, Chairperson DePauw - Yes; Member Allen - No; Member MacKenzie - Abstain.** Motion carried 7-1-1. Chairperson DePauw advised Mr. Prowse that the item would likely be reagendized for the committee's June 25th meeting.

6. "FOR DISCUSSION AND POSSIBLE ACTION, AMENDMENT TO THE CHARTER REQUIRING THAT A GRAND JURY BE IMPANELED AT LEAST ONCE EVERY FIVE YEARS, (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS" (2:59:07) - Chairperson DePauw introduced and provided background information on this item. She entertained committee member questions or comments and, when none were forthcoming, public comments.

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(3:00:30) Dave Campbell, a resident of Carson City, expressed support for the proposed amendment.

(3:02:07) Ward 2 Supervisor Candidate Dennis Johnson expressed support for the proposed amendment, and requested the committee's serious consideration.

(3:03:27) Carol Howell recalled a charter provision for impaneling a grand jury once every ten years. In response to a question, Mr. Munn advised of not having seen any charter provision for impaneling a grand jury. He explained that impaneling a grand jury is the province of the district court, pursuant to statute. "We have a separation of powers problem. The district judges are given the authority to call a grand jury ..." Mr. Munn was uncertain as to whether such authority can be granted under the charter. In response to a question of clarification, he explained, "The charter is a statute of the legislature. The current ... general ... long-established law on grand juries is that, in a community of our size, the authority is granted to the district court judge to call a grand jury when he feels he needs to. Or he can be petitioned, under the statutory scheme, to call a grand jury ... That province has been given by Nevada Revised Statutes to a district court judge. A district court judge is a State officer under the constitution. They're not a county employee. They're an individual that's under the constitution and part of the judicial branch of government. For us, as a charter city, to write something that says a grand jury has to be called invades the province of another branch of government, a district judge. ... and it may be unconstitutional." In response to a question, Mr. Munn suggested that proposing such a charter amendment "essentially ... ask[s] a legislative body to tell the judges what to do and that may or may not fly." After referencing the election process relative to the Board of Supervisors, Ms. Howell expressed concern that there is "no way to govern what they're doing or question what they're doing if they're not doing their job or doing it incorrectly without this type of process." She expressed the opinion that "the grand jury process should be something that we are doing."

Mr. Werner acknowledged that the last grand jury was impaneled in 1998. In reference to Ms. Howell's comments, Mr. Werner advised of a statutory provision for any tax payer and two other individuals to sign an affidavit alleging malfeasance, present the same to a district judge, who is then "almost require[d]" to form a grand jury. He explained that selecting a grand jury every number of years is different than impaneling a grand jury. "It just means that you're selected to serve for a four-year period and if that grand jury is impaneled, you're the one on it. It doesn't mean that a judge is going to call a grand jury every four years."

(3:10:04) Ms. Howell requested the formation of a citizens committee "to watch over what the Board of Supervisors, the City Manager, as a whole were doing and review that." In reference to NRS 6.132, Mr. Munn reviewed the process for 25 percent of the voters to petition a district judge to summon a grand jury. Ms. Howell acknowledged understanding of the clarification. Chairperson DePauw entertained additional public comment; however, none was forthcoming.

Mr. Werner acknowledged costs associated with impaneling a grand jury, and was uncertain as to costs associated with selecting a grand jury.

(3:12:18) John Wagner recalled a grand jury "quite a few years ago," and discussed "another way to take care of officials who aren't doing their job. It's called a recall." He reviewed the recall process, and expressed opposition to the proposed charter amendment. Chairperson DePauw entertained additional public comment.

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(3:13:58) Dave Campbell expressed support for selecting grand juries “because judges are elected too.” In reference to Mr. Munn’s comments, Mr. Campbell requested “not assum[ing] that it is unconstitutional.” He suggested “do it and let the legislature or somebody else say, ‘No, you can’t,’ but at least we should be able to tell them what it is that we want.” He advised that a grand jury, once convened, has subpoena power. He expressed the opinion that “25 percent is a very high hurdle.” Chairperson DePauw entertained additional public comment and, when none was forthcoming, additional committee member comment.

In consideration of Mr. Munn’s comments, Member Joiner suggested starting at the State legislature with the government affairs committee. He further suggested “there’s probably an appetite for this among some of the legislators to do a more standard approach than just in our charter and it sounds like we can’t do it through our charter anyway.”

Chairperson DePauw entertained additional committee member and public comments. (3:17:58) Fred Voltz suggested tying the previous agenda item with the subject agenda item “to somehow cross boundaries and make that internal auditor be responding to the grand jury in some way or connection.” He encouraged discussing the connection. “To have the watchers being watched by the watchers really isn’t good so that reporting to the Board of Supervisors isn’t especially a good practice in terms of auditing what they’re doing or not doing and so it would be very helpful if there was some way, legally, that that would be possible to set up.”

Chairperson DePauw entertained additional public comment and, when none was forthcoming, a motion. **Member Lincoln moved to not recommend a charter amendment with regard to the grand jury impanelment, as it is clearly defined in the Nevada Revised Statutes at this time. Member Allen seconded the motion.** Chairperson DePauw entertained questions or comments on the motion and, when none were forthcoming, requested a roll call vote. **Members Messina, MacKenzie, Lincoln, Joiner, Fregulia, Barnett, Allen, Vice Chair Robertson, and Chair DePauw - Yes.** Motion carried 9-0.

7. “FOR DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE CITY’S ETHICS ORDINANCE BE UPDATED TO REQUIRE DISCLOSURE FROM ALL CARSON CITY ELECTED OFFICIALS AS TO THEIR BUSINESS CONNECTIONS SO THAT CONFLICTS MAY BE JUDGED BY THE PUBLIC, (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS” (3:20:27) - Chairperson DePauw introduced this item, and entertained committee member questions or comments. When none were forthcoming, she entertained public comment. (3:21:28) Andrea Engelman provided background information on this item, and recommended writing a letter to the Board of Supervisors requesting the formation of a committee for the purpose of revising Chapter 2.34.

Chairperson DePauw entertained additional public comment. (3:24:54) Ward 4 Supervisor Candidate Amy Clemens described the Outside Business Activity form required by her employer, and expressed a preference for a similar document to be required for “business officials.” By way of example, she referenced an elected official owning property in one of the redevelopment areas.

(3:26:14) Ward 2 Supervisor Candidate Dennis Johnson expressed support for the recommendation, and related employment experience relative to disclosure.

(3:27:36) Fred Brown inquired as to whether disclosures would be required prior to or after an election. Mr. Werner explained the provisions of Section 2.34.040, Filing by candidates. Mr. Munn reviewed the

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provisions of Section 2.34.010. Mr. Werner reviewed the City's policies and procedures relative to employees holding outside employment positions. He acknowledged that the subject ordinance is in effect and its provisions practiced by the Board of Supervisors, the City Manager, and all City department heads.

In response to a question, Mr. Werner advised that very little employee information is open to the public. Ms. Engelman reiterated the opinion that the language of the ordinance "needs to be cleaned up ..."

(3:33:58) John Wagner discussed his past experience as a candidate, and expressed the opinion "there's a lot of checks and balances already in statute that we don't need to have a whole lot more added on top of it."

Mr. Munn advised that public employees and public officers are subject to the State ethics law, "and that includes local government employees." In reference to the provisions regarding City employees receiving gifts, Member Joiner agreed that the subject ordinance is "already way out of date." Chairperson DePauw entertained additional committee member and public comments. When none were forthcoming, she entertained a motion. **Member Messina moved to recommend to the Board of Supervisors to appoint a committee to review Chapter 2.34, Code of Ethics, and make recommendations for modification. Member Joiner seconded the motion.** In response to a question, Mr. Munn advised that the committee making recommendations beyond the Charter "may exceed what it is you're formed to do." He expressed doubt, however, that the Board of Supervisors would be offended by the committee requesting review of an ordinance. Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Lincoln, Joiner, Fregulia, Barnett, Allen, Vice Chair Robertson, Chair DePauw - Yes.** Motion carried 9-0.

8. "FOR DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE CHARTER BE AMENDED TO REQUIRE THE CITY MANAGER AND SENIOR STAFF LIVE WITHIN CARSON CITY, (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS" (3:39:28) - Chairperson DePauw introduced and provided background information on this item. Mr. Munn noted for the record that the previously agendized item failed for lack of a motion. Chairperson DePauw acknowledged the item had been reagendized for a possible recommendation.

Chairperson DePauw entertained public comment. (3:41:22) Ward 4 Supervisor Candidate Amy Clemens prefaced her comments by emphasizing that they were "in no way directed at Mr. Werner." She read prepared remarks into the record expressing support for the proposed recommendation. In reference to statistical information relative to Nevada's unemployment rate, she expressed the opinion that there would be a sufficient pool of candidates from which to draw should the City Manager's position become available.

(3:44:10) John Wagner expressed concern with regard to any attempt to force the existing City Manager to reside in Carson City, and support for emergency personnel being required to live in Carson City.

(3:46:18) Ward 2 Supervisor Candidate Dennis Johnson provided background information on this item, and emphasized there was no intent to impose the requirement on the existing City Manager. He suggested considering that inviting people to invest in Carson City should begin with the City's senior staff.

(3:47:03) Dave Campbell suggested that "the City Manager has a great deal of input into how our money is spent ..." He suggested that "effective two years from now, whatever happens to my real estate tax ought to happen to his real estate tax." Discussion followed.

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Mr. Werner advised of an existing Board policy for city managers to reside in Carson City, and that an exception was made when the Board requested him to serve as City Manager under a unique set of circumstances. Chairperson DePauw expressed a preference for the Board to pass an ordinance requiring the City Manager to live in Carson City "just to protect the public."

Chairperson DePauw entertained additional public comment. (3:51:55) Paul McGrath inquired as to whether the City provides Mr. Werner with a vehicle. Mr. Werner advised that he is provided a car allowance. Mr. McGrath expressed the opinion that the matter should "be left to the Board. ... Let them decide what they want to do with the City Manager ... or senior staff ..."

Chairperson DePauw entertained additional public and committee member comments and, when none were forthcoming, a motion. **Member Allen moved to not recommend to the Board of Supervisors that the Charter be amended to require the City Manager and senior staff to live within Carson City. Member Lincoln seconded the motion.** In response to a question, Mr. Werner advised that the requirement for the city manager and senior City staff to live in Carson City is included in each job description. Chairperson DePauw entertained public comment and, when none was forthcoming, requested Member Allen to repeat his motion. In response to a question, Mr. Munn noted the several options included in the title of the agenda item. Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Lincoln, Joiner, Fregulia, Barnett, Allen, Vice Chair Robertson - Yes; Chair DePauw - No. Motion carried 8-1.**

In consideration of previous discussion, Chairperson DePauw entertained a motion. **Member Joiner moved to recommend to the Board of Supervisors to revise the job description of the City Manager to require residency within Carson City. Member Barnett seconded the motion.** Chairperson DePauw entertained questions of the committee members and comments of the public. When none were forthcoming, she requested a roll call vote. **Members Messina, MacKenzie, Fregulia, Allen, Vice Chair Robertson - No; Members Lincoln, Barnett, Joiner, Chair DePauw - Yes. Motion failed 4-5.** Member Joiner commented on the irony that senior City staff is currently required to live in Carson City, "but ... we're afraid to change that for the City Manager ..."

9. "FOR DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THAT CITIZENS COMMITTEES MUST BE OPEN AND PROPERLY NOTICED WITH COMPLETE AGENDAS AND MINUTES WITHIN A REASONABLE TIME FRAME, (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS" (4:00:13) - Chairperson DePauw introduced this item. (4:00:54) Ward 2 Supervisor Candidate Dennis Johnson provided background information. Member MacKenzie related his experience serving on various City advisory committees over the years. In response to a question, Mr. Johnson clarified his concerns relative to publishing draft meeting minutes and final agendas. In response to a question, Mr. Munn advised that minutes are required to be published within 30 days of a meeting, according to the provisions of the Nevada Open Meeting law.

Chairperson DePauw entertained public comment. (4:05:58) Andrea Engelman reviewed the provisions of the Open Meeting law relative to publication of agendas and minutes, and expressed the opinion that a Charter amendment would be unnecessary. She discussed the similarities between Member Allen and former Governor Mike O'Callaghan.

Chairperson DePauw entertained additional public comment and, when none was forthcoming, a motion. Member Allen moved to not recommend to the Board of Supervisors that the citizens committees must be

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open and properly noticed with complete agenda and minutes within a reasonable time frame. Motion died for lack of a second. Chairperson DePauw entertained a motion; however, none was forthcoming.

10. “FOR DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE CHARTER BE AMENDED TO REQUIRE THAT PERSONNEL CONDUCTING NEGOTIATIONS ON BEHALF OF THE CITY MUST NOT BENEFIT IN ANY MANNER INCLUDING PAY INCREASES AND ANY OR ALL BENEFITS AS A RESULT OF THOSE NEGOTIATIONS, (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS” (4:08:53) - Chairperson DePauw introduced this item, and Ward 2 Supervisor Candidate Dennis Johnson provided background information. He responded to corresponding questions of clarification, and discussion followed. In response to a question, Mr. Werner advised that he conducts labor negotiations together with an appointed team and then reports to the Board of Supervisors. He couldn't "imagine a situation where a city manager would sit and agree to a bargaining that he then benefitted from. ... that ... is just absolutely unethical." He advised that his salary and benefits are specified by his contract with the Board of Supervisors.

Chairperson DePauw entertained additional committee member and public comments. (4:16:26) Andrea Engelman advised that Attorney Charlie Cockerill used to negotiate on behalf of the taxpayers. In response to a comment regarding a pay increase within the last two years, Mr. Werner advised that most department heads "did not get as much as the classified employees ... The directors got less than that and I got zero." In response to a comment, Mr. Werner explained the apparent salary increase asserted by Transparent Nevada. Ms. Engelman anticipates that NRS 288 will be reviewed "in depth" by the legislature during the next session. In response to a question, she advised that the elected officials are "supposed to be in there doing the negotiating on behalf of the taxpayer." She responded to questions of clarification regarding the mechanism of negotiation. Member Joiner expressed support for legislative review of NRS 288.

(4:21:54) John Wagner related a hypothetical situation relative to the possibility of bonuses for the City Manager and expressed concern over the breadth of the proposed amendment.

(4:23:45) Dave Campbell expressed support for hiring an outside negotiator to represent the taxpayers.

(4:26:16) Carol Howell expressed the opinion that "people who are benefitting from the pay raises shouldn't be negotiating them by any means, but somebody should be in this City saying ... 'We should have looked at freezing salaries, stopping pay raises, seeing what the economy was doing a lot quicker than what we did.'" She agreed with Mr. Campbell's comments, and requested the committee to consider "the whole negotiating process." She responded to questions of clarification.

Chairperson DePauw entertained additional public comment and, when none was forthcoming, a motion. None was forthcoming.

11. “FOR DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS TO AMEND THE CHARTER TO REQUIRE THE BOARD OF SUPERVISORS TO REVIEW AND UPDATE THE CITYWIDE MASTER PLAN AND ECONOMIC VITALITY STUDY EVERY 5 YEARS, (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS” (4:30:35) - Chairperson DePauw inquired as to any citizen present to hear this item. When none were forthcoming, she suggested deferring this item to the June 25th meeting. (4:31:10) Andrea Engelman

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advised that the item was agendized at her request; that she had been advised as to more appropriate wording, and expressed a preference to defer the item to the next meeting. **Member Lincoln moved to defer this item to the next meeting. Member Barnett seconded the motion. Motion carried 9-0.**

12. "DISCUSSION OF ANY NEW AGENDA ITEMS" (4:32:19) - Chairperson DePauw entertained requests for future agenda items; however, none were forthcoming.

13. PUBLIC COMMENT (4:32:35) - Chairperson DePauw entertained public comment; however, none was forthcoming.

14. ACTION TO ADJOURN (4:32:51) - Member MacKenzie moved to adjourn the meeting at 4:32 p.m. Member Allen seconded the motion. Motion carried 9-0.

The Minutes of the June 5, 2012 Carson City Charter Review Committee meeting are so approved this
____ day of August, 2012.

DONNA DePAUW, Chair

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A regular meeting of the Carson City Charter Review Committee was scheduled for 2:30 p.m. on Monday, June 25, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Bruce Robertson
Member Ronald Allen
Member Linda Barnett
Member Christine Fregulia
Member Rob Joiner
Member Stephen Lincoln
Member Chris MacKenzie
Member Larry Messina

STAFF: Larry Werner, City Manager
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / 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 (2:30:52) - Chairperson DePauw called the meeting to order at 2:30 p.m. Roll was called; a quorum was present.

3. PUBLIC COMMENTS AND DISCUSSION (2:31:22) - Chairperson DePauw entertained public comments; however, none were forthcoming.

4. POSSIBLE ACTION ON APPROVAL OF MINUTES - May 22, 2012 (2:31:37) - Chairperson DePauw requested the recording secretary to review the accuracy of a statement at page 3. She entertained questions or comments of the committee members and, when none were forthcoming, a motion. Member Lincoln moved to approve the minutes, as presented. Member Fregulia seconded the motion. Motion carried 9-0.

5. POSSIBLE ACTION TO ADOPT THE AGENDA (2:33:31) - Chairperson DePauw entertained modifications to the agenda and, when none were forthcoming, deemed it adopted as published.

6. "DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER, SECTION 3.075, AUDIT COMMITTEE - INTERNAL AUDITOR; APPOINTMENT, COMPENSATION, DUTIES; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (2:33:55) - Chairperson DePauw introduced this item, and referenced the agenda materials. In response to a question, Mr. Munn reviewed the proposed language as included in the agenda materials. "So, essentially, it just codifies the current system." Chairperson DePauw entertained questions or comments of the committee members. In response to a question, Mr. Werner expressed ambivalence relative to the proposed amendment, noting that the Audit Committee is currently appointed by the Board of Supervisors as an advisory body. He advised that the internal auditor is mandated by charter, and the Board selects the internal auditor. He suggested that Mr.

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Prowse proposed for the internal auditor to report to the Audit Committee which, in turn, would report to the Board of Supervisors. Mr. Werner expressed the opinion that the current mechanism works well, and concern that “sometimes the more things we add into the Charter, the less flexibility the Board has. It seems to be working fine now. ... the Board themselves may wish, at some point, to direct the internal auditor to do something ... that even the Audit Committee didn’t have a chance to weigh in on and ... that’s probably their right ... since the internal auditor works for them.” Mr. Werner expressed concern that the proposed amendment may create confusion relative to authority and responsibility.

Member Joiner expressed the opinion that the proposed amendment provides “a better check and balance than having everything directed from the Board of Supervisors,” and support for the same. Member MacKenzie expressed concern over the breadth of the provisions proposed by Section 3.075(3)(b). Mr. Munn advised that the language was proposed by Mr. Prowse relative to performance audits rather than financial audits. Mr. Werner agreed, and explained that an outside auditor conducts the City’s financial audits. The internal auditor considers processes, procedures, internal controls, “those kinds of things that might come up during ... the time of doing a risk assessment.” In response to a question, Mr. Werner was uncertain as to associated costs if the Audit Committee’s authority was to be changed. In response to a question, Mr. Munn reviewed the provisions of Section 3.075(1) relative to the purview of the Audit Committee.

Chairperson DePauw noted there were no other citizens present in the meeting room, and entertained a motion. Member Allen moved to not change Section 3.075 of the Charter relative to the Audit Committee. Member MacKenzie seconded the motion. Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Allen, Vice Chair Robertson - No; Members Lincoln, Joiner, Fregulia, Barnett, Chair DePauw - Yes. Motion failed 4-5.** Following Mr. Munn’s direction, Chairperson DePauw entertained a motion. Member Joiner moved to recommend to the Board of Supervisors to accept the compensation and duties, appointment, of the internal auditor position, as recommended. Member Lincoln seconded the motion. Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Allen, Vice Chair Robertson - No; Members Lincoln, Joiner, Fregulia, Barnett, Chair DePauw - Yes. Motion carried 5-4.**

7. “DISCUSSION AND POSSIBLE ACTION ON AN AMENDMENT TO THE CHARTER THAT DOESN’T ALLOW ADDITIONAL FEES OF UTILITIES TO PAY FOR STATE MEDICAID / MEDICARE DEBT; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS.” (2:44:58) - Chairperson DePauw introduced and provided background information on this item. She noted that Amy Clemens, who requested to have this item agendized, was not present in the meeting room. In response to a question, Mr. Werner provided additional background information. Member Allen expressed opposition to the Charter dictating the method by which funds are allocated by the Board of Supervisors. Member Lincoln agreed, and recommended taking no action. Following a brief discussion, consensus of the committee was to take no action on this item.

8. “DISCUSSION AND POSSIBLE ACTION TO REQUEST THE BOARD OF SUPERVISORS TO ALLOW A BALLOT QUESTION TO HAVE SUPERVISOR BY WARD IN THE PRIMARY ELECTION; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS.” (2:48:33) - Chairperson DePauw introduced and provided background information on this item. She recognized

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Supervisor Shelly Aldean. (2:49:20) Supervisor Aldean advised of having researched this matter and reviewed historic information with regard to the same. She distributed to the committee members and staff a position paper, drafted by the 2002 Charter Review Committee, and provided an overview of the same. She clarified she was not advocating or opposing ward primaries, but expressed a desire to “give you a flavor for the intensity with which this suggestion has been reviewed and re-reviewed, brought to the Board in various iterations.” She expressed no problem forwarding the issue to the voters for decision in consideration of the “extraordinarily close” 1992 vote. Chairperson DePauw expressed appreciation for Supervisor Aldean’s presentation in consideration of the fact that the issue has never been presented to the current Board of Supervisors. Supervisor Aldean noted the varying methods by which the issue has been presented to the Board of Supervisors over the years. She speculated that there would be little problem with allowing the voters to decide. “Rather than having this forwarded on to the legislature as a specific recommendation from the Board of Supervisors, ... if it went to the legislature ... as a recommendation to have this issue placed on the ballot to allow the voters to decide, that would probably gain more traction than actually recommending that the Charter be amended to accomplish this same thing.” Discussion followed.

Chairperson DePauw entertained additional committee member questions or comments and, when none were forthcoming, advised that Andrea Engelman had called her prior to the meeting to convey “she still felt the same way about voting by ward.” Chairperson DePauw again thanked Supervisor Aldean for her attendance and presentation.

Member Lincoln offered a motion. **Member Lincoln moved to recommend to the Board of Supervisors to allow a ballot question to have the nomination by ward in the primary election and election at large in the general election.** In response to a question, Mr. Munn advised that the agenda item indicates only the primary election “so at large would be unchanged for the general election.” **Member Barnett seconded the motion.** Following discussion, **Member Lincoln amended his motion to clarify election by ward in the primary with the top two winners advancing to the general.** Member MacKenzie expressed support for the amendment, and thanked Member Lincoln for the clarification. In response to a question, Member Lincoln suggested the outcome of the ballot question would determine the Charter amendment. Mr. Munn advised that the Legislative Counsel Bureau would ensure resolution of any conflict in the language of the Charter. Discussion took place to clarify the intent of the motion and the committee members expressed opinions with regard to the same. **Member Barnett continued her second.** Following additional discussion, Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Lincoln, Joiner, Fregulia, Barnett, Chair DePauw - Yes; Member Allen and Vice Chair Robertson - No. Motion carried 7-2.**

9. “DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER, SECTION 1.080 - THE CANDIDATES FOR MEMBERSHIP OF THE CHARTER REVIEW COMMITTEE MUST BE APPOINTED AS FOLLOWS: EACH SUPERVISOR, MAYOR SHALL APPOINT ONE CANDIDATE, EACH MEMBER OF THE SENATE AND ASSEMBLY DELEGATION REPRESENTING RESIDENTS OF CARSON CITY SHALL APPOINT ONE CANDIDATE; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS.” (3:13:15) - Chairperson DePauw introduced and provided background information on this item. Mr. Munn advised that revisions to the subject Charter section would involve deleting references to “nomination” and the words “at least.” Discussion took place to clarify the purpose of the agenda item, and Member Joiner expressed the opinion

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that an elected official's appointment should never be questioned. He suggested eliminating paragraph 2, and expressed the further opinion that "in this case, ... the State needs to tell us how to do it because it should be the same for all charter communities."

Member Joiner moved to accept the language of paragraph 1, to appoint and not nominate, eliminate paragraph 2, and retain paragraph 3. Member Lincoln seconded the motion. Chairperson DePauw entertained discussion. In response to a question, she expressed the belief that the process is broken and needs fixing. She reviewed the history of appointments to the committee, and advised that the nomination process was implemented in 1999. Following discussion, **Member Joiner amended his motion to indicate appointment of a member to the committee. Member Lincoln continued his second.** Mr. Werner reviewed the history of appointments to the committee, noting the many years two State senators did not offer a committee appointment. He expressed concern with regard to an even-numbered committee. Discussion followed, and Member Joiner suggested providing for the mayor to appoint two committee members in the event a legislator chose not to appoint. Member Joiner amended his motion to indicate that the supervisors appoint one member and the mayor up to two. Member Lincoln refused to continue his second, and called the question. Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Fregulia, Allen, Vice Chair Robertson - No; Members Lincoln, Joiner, Barnett, Chair DePauw - Yes.** Motion failed 4-5.

10. "DISCUSSION AND POSSIBLE ACTION TO CHANGE CHARTER 1.080 THAT APPOINTMENTS TO CHARTER REVIEW COMMITTEE BE MADE WHEN LEGISLATORS ASSUME OFFICE OR WHEN SWORN-IN GENERAL ELECTION, AND THE BOARD OF SUPERVISORS ASSUMES OFFICE THE 1ST MONDAY IN JANUARY, APPOINTMENTS TO BE MADE NO LATER THAN THE FIRST BOARD OF SUPERVISORS MEETING IN FEBRUARY OF EACH YEAR; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:31:24) - Chairperson DePauw introduced this item and entertained questions of the committee members. She noted there were no other citizens present in the meeting room. In response to a question, she clarified the purpose of the agenda item and discussion followed.

Chairperson DePauw entertained additional questions or comments and, when none were forthcoming, a motion. **Member Joiner moved to change Charter Section 1.080 that appointments to the Charter Review Committee be made when legislators assume office or when sworn in after general election, and the Board of Supervisors assumes office the first Monday in January, appointments to be made no later than the first Board of Supervisors meeting in February of each year. Chairperson DePauw passed the gavel to Vice Chairperson Robertson and seconded the motion.** Member Lincoln expressed the opinion that the subject issue did not necessitate a Charter amendment, and discussion followed. Chairperson DePauw entertained additional comments and, when none were forthcoming, called for a vote on the pending motion. Motion failed 2-7.

11. "DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER FOR ALL MANDATED APPOINTMENT POSITIONS ON ALL BOARDS, COMMITTEES, AND COMMISSIONS WHERE REQUIRED BE MADE BY BOARD OF SUPERVISORS NO LATER THAN THE BOARD OF SUPERVISORS FIRST MEETING IN FEBRUARY OF EACH YEAR; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:38:09) - Chairperson DePauw

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introduced this item. Member Allen expressed the opinion that the subject issue did not necessitate a Charter amendment. Mr. Werner explained the difficulties, from a staff standpoint, of the proposed amendment. Chairperson DePauw entertained a motion; however, none was forthcoming.

12. "DISCUSSION AND POSSIBLE ACTION ON A CHARTER AMENDMENT THAT THE BOARD OF SUPERVISORS REVIEW THE CITYWIDE MASTER PLAN ON A PERIODIC BASIS EITHER BY SEGMENTS OR COMPLETE PLAN; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:40:01) - Chairperson DePauw introduced and provided background information on this item. Member Joiner acknowledged a familiarity with the City's master plan, but advised the item would be more appropriately addressed by the Planning Division and the Planning Commission. Mr. Werner advised that the downtown vision is currently being addressed between City staff and the Downtown Business Association. Chairperson DePauw entertained public comment and, when none was forthcoming, a motion. None was forthcoming.

13. "DISCUSSION AND POSSIBLE ACTION ON A CHARTER AMENDMENT TO REQUIRE THAT WHEN THE BOARD OF SUPERVISORS CONSIDERS SPENDING MORE THAN \$20 MILLION OF CITY FUNDS ON A PROJECT IT MUST GO ON THE BALLOT AND MUST HAVE A MAJORITY VOTE OF PEOPLE BEFORE IT CAN PROCEED; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:44:23) - Member Barnett advised of a previous commitment, and left the meeting room at 3:44 p.m. A quorum was still present. Chairperson DePauw introduced this item. In response to a question, Mr. Werner advised of no statutory provision which prohibits the Board of Supervisors from funding a project. Member Lincoln expressed opposition to the proposed amendment in consideration of an emergency situation. He advised of a previous commitment, and left the meeting room at 3:46 p.m. A quorum was still present.

Chairperson DePauw entertained public comment. (3:46:22) Ward 2 Supervisor Candidate Dennis Johnson advised of not having submitted this item. He expressed the opinion that the subject issue did not necessitate a Charter amendment. Chairperson DePauw clarified that Member Barnett had requested the item. Chairperson DePauw entertained additional comments or questions; however, none were forthcoming. Consensus of the committee was that no action was necessary.

14. "DISCUSSION AND POSSIBLE ACTION THAT THE BOARD OF SUPERVISORS MUST TAKE RESPONSIBILITY FOR STRICT ENFORCEMENT OF ALL MUNICIPAL CODES IN ORDER TO PREVENT FURTHER DETERIORATION OF NEIGHBORHOODS AND A FURTHER DECLINE IN PROPERTY VALUES AND FOR THE PROTECTION OF SAFETY OF RESIDENTS; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:47:34) - Chairperson DePauw introduced this item and, at her invitation, Ward 2 Candidate Dennis Johnson provided background information. Member Messina expressed uncertainty with regard to amending the Charter relative to the subject item. Discussion followed, and Mr. Johnson reiterated the importance of "either enforc[ing] the Codes or get[ting] rid of them because that way everybody will know that they're playing by the same rules." He related various examples. Member Allen expressed agreement with Mr.

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Johnson's concerns, but expressed the opinion that the issue does not necessitate a Charter amendment. "We have ordinances now. This isn't going to make anybody enforce those ordinances any more than they are anyway."

In response to a question, Mr. Werner expressed agreement with Mr. Johnson's concerns. He advised that there are currently two Code enforcement officers "and there's simply no way to make sure everybody ... is being dealt with." He expressed concern over Mr. Johnson's statement that complaints have been filed and not addressed. Mr. Munn discussed concerns relative to the words "strict enforcement ... because essentially enforcement is a discretionary act." He advised that much of the City's municipal code is established to impose misdemeanor charges. "So, ultimately, it's the D.A.'s office prosecuting a misdemeanor and the D.A. has prosecutorial discretion. If it's strict enforcement and he's got discretion, then it's really not strict enforcement."

Chairperson DePauw entertained additional comments or questions; however, none were forthcoming. Consensus of the committee was that no action was necessary.

15. "DISCUSSION AND POSSIBLE ACTION THAT THE ECONOMIC VITALITY STUDY BE REVIEWED PERIODICALLY BY THE BOARD OF SUPERVISORS; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:56:37) - Chairperson DePauw introduced and provided background information on this item. Discussion took place regarding background information on the Economic Vitality Study. Mr. Werner acknowledged that economic development is an ongoing consideration. Consensus of the committee was that no action was necessary.

16. "DISCUSSION AND POSSIBLE ACTION TO REQUIRE MEMBERS OF THE BOARD OF SUPERVISORS, THE MAYOR AND ALL SENIOR STAFF MUST TAKE THE SAME WAGE AND BENEFIT CUTS THAT BARGAINING UNITS NEGOTIATE; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:58:58) - Chairperson DePauw introduced and provided background information on this item. Mr. Werner advised that, as a general rule, City department heads and unclassified employees take larger cuts than the employees represented by bargaining units. In consideration of the several bargaining units within the City, Member Messina expressed concern over a uniform application to the Board of Supervisors. He expressed additional concern that such a provision may prevent the Board of Supervisors from making concessions. He expressed additional concern over the breadth of the proposed amendment. Member Joiner noted that the Board of Supervisors recently volunteered a reduction in their pay. Chairperson DePauw entertained additional committee member and public comments. None were forthcoming, and consensus of the committee was that no action was necessary.

17. "DISCUSSION OF ANY NEW AGENDA ITEMS AND DISCUSSION OF THE JULY 17, 2012 MEETING." (4:01:57) - Chairperson DePauw introduced and provided background information on this item. She anticipated that the July 17th meeting would be cancelled. Discussion took place with regard to the joint meeting with the Board of Supervisors in August. Chairperson DePauw entertained public comment; however, none was forthcoming.

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18. PUBLIC COMMENT (4:04:55) - Chairperson DePauw entertained public comment; however, none was forthcoming.

19. ACTION TO ADJOURN (4:05:02) - Member Allen moved to adjourn the meeting at 4:05 p.m. Member MacKenzie seconded the motion. Motion carried 7-0.

The Minutes of the June 25, 2012 Carson City Charter Review Committee meeting are so approved this
____ day of August, 2012.

DONNA DePAUW, Chair