

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the June 25, 2012 Meeting

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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 agendaized, 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