

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 1

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, September 6, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell

Supervisor Karen Abowd, Ward 1

Supervisor Shelly Aldean, Ward 2

Supervisor John McKenna, Ward 3

Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager

Alan Glover, Clerk - Recorder

Randal Munn, Chief Deputy District Attorney

Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the Board'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 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:34:14) - Mayor Crowell called the meeting to order at 8:34 a.m. Mr. Glover called the roll; a quorum was present. First Christian Church Pastor Ken Haskins provided the invocation. At Mayor Crowell's request, Supervisor Abowd led the pledge of allegiance.

5. PUBLIC COMMENTS AND DISCUSSION (8:36:07) - Mayor Crowell entertained public comments; however, none were forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 2, 2012 (8:36:38) - Supervisor Aldean advised of clerical corrections which she offered to provide to the recording secretary. Supervisor Aldean moved to approve the minutes, as amended. Supervisor Abowd seconded the motion. Motion carried 5-0.

7. POSSIBLE ACTION TO ADOPT THE AGENDA (8:37:09) - Mayor Crowell advised that items 13(A) and 22 would be deferred to a future meeting. He entertained additional modifications to the agenda and, when none were forthcoming, a motion to adopt it, as amended. Supervisor Aldean so moved. Supervisor McKenna seconded the motion. Motion carried 5-0.

8. SPECIAL PRESENTATION OF A PROCLAMATION FOR "INTERNATIONAL DAY OF PEACE," SEPTEMBER 21, 2012 (8:37:59) - Mayor Crowell invited Barbara Scott to join him at the podium, and read into the record the language of the Proclamation included in the agenda materials. He commended the timing of the Proclamation, and presented it to Ms. Scott. (8:39:50) Ms. Scott thanked the Mayor and the Board for the Proclamation, and commended their community leadership in consideration of this year's International Day of Peace theme: "Envisioning the Future We Want."

9. CONSENT AGENDA (8:40:49) - Mayor Crowell advised of having been requested to separately hear items 9-3(D) and 9-5, and entertained additional requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion to approve the remainder of the consent agenda. **Supervisor Aldean moved to approve the consent agenda, consisting of one item from Finance, one item from Purchasing and Contracts, three items from Public Works, one item from**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 2

Health and Human Services; item 9-3(C) to adopt Resolution No. 2012-R-28. Supervisor McKenna seconded the motion. Motion carried 5-0.

9-1. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES THROUGH AUGUST 28, 2012, PURSUANT TO NRS 251.030 AND NRS 354.290

9-2. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO DETERMINE THAT CONTRACT NO. 1213-098 IS A CONTRACT FOR FINANCIAL PLANNING SERVICES, A PROFESSIONAL SERVICE, AND THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 1213-098, FINANCIAL ADVISORY SERVICES, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY JNA CONSULTING GROUP, THROUGH JUNE 30, 2013, FOR A NOT-TO-EXCEED COST OF \$199,000.00, FUNDING TO BE DETERMINED AT THE TIME EACH TASK ORDER IS ISSUED, AS PROVIDED IN FY 2012 / 2013

9-3. PUBLIC WORKS DEPARTMENT

9-3(A) POSSIBLE ACTION TO APPROVE THE PROMOTION OF A WATER TECHNICIAN I TO A WATER TECHNICIAN 2 WITHIN THE PUBLIC WORKS DEPARTMENT

9-3(B) POSSIBLE ACTION TO APPROVE THE PROMOTION OF A WASTEWATER PLANT OPERATOR 1 TO A WASTEWATER PLANT OPERATOR 2 WITHIN THE PUBLIC WORKS DEPARTMENT

9-3(C) POSSIBLE ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE JOINT FUNDING AGREEMENT FOR WATER RESOURCE INVESTIGATIONS, BETWEEN CARSON CITY AND THE U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY

9-3(D) POSSIBLE ACTION TO APPROVE AN INTERLOCAL COOPERATIVE AGREEMENT, BETWEEN THE CARSON AREA METROPOLITAN PLANNING ORGANIZATION (“CAMPO”), THE REGIONAL TRANSPORTATION COMMISSION (“RTC”), AND THE BOARD OF SUPERVISORS (“BOS”), WHICH DEFINES THE ROLES AND RESPONSIBILITIES OF EACH BODY IN TRANSPORTATION - RELATED MATTERS IN CARSON CITY; IT AMENDS AND WILL REPLACE THE INITIAL AGREEMENT IN THIS REGARD, DATED MARCH 14, 2007 (9:16:44) - Mayor Crowell introduced this item. Transportation Manager Patrick Pittenger provided background information and reviewed the agenda materials. He and Supervisor Aldean responded to questions of clarification regarding the proposed amendments to the agreement included in the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Walt moved to approve the Interlocal Cooperative Agreement, between the Carson Area Metropolitan Planning Organization (“CAMPO”), Regional Transportation Commission (“RTC”), and the Board of Supervisors, which defines the roles and responsibilities of each body in the transportation-related matters in Carson City. Supervisor Abowd seconded the motion. Motion carried 5-0.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 3

9-4. HEALTH AND HUMAN SERVICES DEPARTMENT - POSSIBLE ACTION TO ACCEPT A SUBGRANT, IN THE AMOUNT OF \$53,000 FOR ONE YEAR, FROM THE NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY HOUSING DIVISION; THIS GRANT WILL BE EFFECTIVE AS OF JULY 1, 2012 THROUGH JUNE 30, 2014; THE PURPOSE OF THIS GRANT IS TO PROVIDE HOMELESS ASSISTANCE, HOMELESS PREVENTION, AND OTHER ELIGIBLE SERVICES

9-5. CITY MANAGER - POSSIBLE ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT TO THE 2012 INTERLOCAL AGREEMENT BETWEEN CARSON CITY, CHURCHILL COUNTY, DOUGLAS COUNTY, LYON COUNTY, STOREY COUNTY, THE FIRST JUDICIAL DISTRICT, THE THIRD JUDICIAL DISTRICT, THE NINTH JUDICIAL DISTRICT, FOR THE OPERATION OF THE WESTERN NEVADA REGIONAL YOUTH CENTER (“WNRYC”), TO ADD THE TENTH JUDICIAL DISTRICT TO THE AGREEMENT (9:25:30) - Mayor Crowell introduced this item, and Mr. Werner emphasized that the subject action will not create an additional fiscal impact. The fiscal impact reflected in the agenda report was created by the original agreement which defines the City’s participation level in the Western Nevada Regional Youth Center. Mr. Werner provided background information on the purpose of the resolution and reason for the amendment.

Mayor Crowell entertained Board member questions or comments and public comments. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt Resolution No. 2012-R-29, a resolution approving and authorizing the Mayor to sign the first amendment to the 2012 Interlocal Agreement, between Carson City, Churchill County, Douglas County, Lyon County, Storey County, the First Judicial District, the Third Judicial District, the Ninth Judicial District, for the operation of the Western Nevada Regional Youth Center, to add the Tenth Judicial District to the Agreement; with no new fiscal impact. Supervisor Walt seconded the motion. Motion carried 5-0.**

10. RECESS BOARD OF SUPERVISORS (8:42:28) - Mayor Crowell recessed the Board of Supervisors at 8:42 a.m.

LIQUOR AND ENTERTAINMENT BOARD

11. CALL TO ORDER AND ROLL CALL (8:42:34) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:42 a.m. He noted the presence of a quorum, including Member Ken Furlong.

12. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 2, 2012 (8:42:52) - Member Aldean moved to approve the minutes, as presented. Member Abowd seconded the motion. Motion carried 6-0.

13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

13(A) POSSIBLE ACTION TO APPROVE NATHANIEL KILLGORE AS THE LIQUOR MANAGER FOR CATERPILLAR’S, LIQUOR LICENSE NUMBER 13-29126, LOCATED AT 314 SOUTH CARSON STREET, CARSON CITY (8:43:17) - Deferred.

13(B) POSSIBLE ACTION TO APPROVE LISA TUCKER AS THE LIQUOR MANAGER FOR REMEDY, LIQUOR LICENSE NUMBER 13-29092, LOCATED AT 306 EAST WILLIAM STREET, CARSON CITY (8:43:21) - Chairperson Crowell introduced this item, and Principal Planner

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 4

Jennifer Pruitt reviewed the agenda materials. Member Furlong provided background information on enforcement issues associated with the previous establishment, Toad's, at the subject location, and advised that the Sheriff's Office had been working with the District Attorney's Office to "bring that licensing to this board." He further advised that the State revoked the license of the previous establishment "as a result of worker's comp ... failure to pay ..."

In reference to the background investigation, Member Furlong advised that Ms. Tucker had identified herself as the Toad's bookkeeper. He further advised of having met with Ms. Tucker, on July 27th, at which time she corrected the record in that she had served as the Toad's bookkeeper for the last year and that her investment in the new establishment amounts to \$2,000. Member Furlong expressed the understanding that Ms. Tucker intends to style Remedy's as a "martini-type bar." Member Furlong advised of having reviewed the application materials provided by Ms. Tucker, and that "it appears to be basically the same type of entertainment and business that was previously of the Toad's; games, pool tables, darts, etc., live bands." Member Furlong noted that Ms. Tucker had indicated she would not be involved in active management of the bar. He advised of "strong information that ... the previous management from Toad's had had contact with her and sought her to apply for a liquor license so they could re-open." He further advised that Ms. Tucker had acknowledged the accuracy of the information, but advised "she was not pursuing that. She was pursuing this on her own." Member Furlong suggested that Toad's, "under the former name and former management was a bar ... that was attracting some very negative activity to the environment, to the patrons themselves, and to this community. Had it not been for the State's actions, we would have eventually been addressing this in-house."

At Chairperson Crowell's request, Ms. Tucker acknowledged having heard Member Furlong's testimony. In consideration of said testimony, Chairperson Crowell discussed the importance of ensuring that Remedy's is "not a front for the re-opening of the same process that has led us to the problems we've had in the past there." (8:49:51) Ms. Tucker assured the board that Remedy's "is not a front," and discussed her intent to create a more "upscale" environment, "to attract a different clientele; a little older, not the kids ..." She advised of interior improvements toward that end, and described her martini-bar concept. She acknowledged that the same landlord owns the building. In response to a further question, she advised of not having been involved with Toad's management or day-to-day operations. In consideration of the "new premise," Ms. Tucker advised that she will have "new bouncers ... to ... card people, identify problems ... in preventing things like fights and people getting out of hand." In response to a further question, she advised of not having yet hired anyone.

(8:52:51) Attorney Justin Clouser provided background information on Ms. Tucker's bookkeeping service, based in Gardnerville, and her role as an independent contractor to perform bookkeeping services for Toad's on a monthly basis. Mr. Clouser advised that Ms. Tucker "is looking towards a new environment; different decor, different entertainment, different clientele." Mr. Clouser noted, with interest, that Ms. Tucker had been "subjected to five separate, in-depth interviews by the Sheriff's Department when she has had no affiliation with Toad's other than as an independent contractor doing the books for the last year." Mr. Clouser presented an analogy relative to the distrust communicated to Ms. Tucker, and expressed understanding for the Sheriff's Office concern for the safety of the community. "... everything that has been discovered in their thorough, rigorous, in-depth investigation has not pointed to one single black mark on the part of Ms. Tucker."

Chairperson Crowell expressed appreciation for Mr. Clouser's analogy, and concern over the location of the new establishment. In consideration of his knowledge of the location, Chairperson Crowell expressed "terrible worry that other people, even with the best intentions of what you just said, are going to look at

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 5

that ... as a continuation of Toad's because of the ... premises ..." Discussion followed. In response to a question, Member Furlong described the location of the subject establishment, the surrounding businesses and traffic patterns, and the rear of the building as "extraordinarily dark. There's no lighting whatsoever ... [It's] where a lot of the activities that have been associated with the past have ended up." In response to a further question, Member Furlong expressed no concern over the proximity of Pioneer High School to the subject location "because the hours differ considerably."

Member Abowd expressed concern regarding the influence of the landlords relative to hiring management personnel. Mr. Clouser advised that the landlord lives in the Bay Area and has used a local property management company in the past. In response to a question, Ms. Tucker advised that none of the other investors are the same as those associated with the previous establishment. She acknowledged that she has complete control over hiring staff. In response to a further question, she advised of having postponed the hiring process until the outcome of this hearing. In response to a further question, she anticipates spending more time at the establishment than she had originally planned.

Member Aldean expressed appreciation for Member Furlong's concerns, and concern over "stigmatizing a location." In reference to the IHOP incident, Member Aldean advised "there were people in the community who were calling for the razing of that building because of the terrible things that happened." She further advised of having advocated for the IHOP restaurant to reopen, and that they are doing reasonably well today. In reference to the Carson City Municipal Code, she noted that granting a liquor license is "generally linked to the suitability of the operator." She noted that Ms. Tucker's background investigation did not reveal anything derogatory or negative. She advised that she would base her decision on Ms. Tucker's suitability as an operator, but cautioned her that she would be closely scrutinized because of the clientele of the previous establishment.

In response to a question, Ms. Tucker advised of no intention to rehire any of the previous establishment's managers. Chairperson Crowell emphasized the importance of Ms. Tucker being "not just the bookkeeper ... [but] the active manager who is actively seeing that what happened in the past doesn't happen again." Based on his personal and business knowledge of Ms. Tucker, Mr. Clouser assured the board that she would not invest the effort, money, or time "just to see it fall by the wayside because it fell back to its old habits."

Chairperson Crowell entertained additional comments or questions of the board members. As a restauranteur, Member Abowd cautioned Ms. Tucker against hiring a previous bartender in that "they have their own following ... their own crowd." She further cautioned her against "hiring anyone that was there previous." Chairperson Crowell suggested that Ms. Tucker use the Sheriff's Office as a resource in consideration of the hiring process.

Chairperson Crowell entertained a motion. **Member McKenna moved to approve Lisa Tucker as liquor manager for Remedy, liquor license number 13-29092, located at 306 East William Street, Carson City. Member Aldean seconded the motion.** Chairperson Crowell entertained public comment and, when none was forthcoming, entertained discussion on the motion. Member McKenna explained that his motion approves Lisa Tucker in consideration that there has been no evidence not to. He requested the Sheriff to make the board aware of any calls for service at the new establishment, and committed to "go[ing] out of his way to close it down if it becomes even half the problem it used to be." Chairperson Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-1.** Member Aldean advised Ms. Tucker to make the Sheriff her "best buddy." Chairperson Crowell commended Mr. Clouser's articulate representation of Ms. Tucker, but

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 6

cautioned that it would likely be insufficient to keep the business open in the face of continued problems at the subject location. He appealed to Ms. Tucker's sensitivity to doing "the right thing" in consideration of the community.

14. PUBLIC COMMENT (9:16:06) - Chairperson Crowell entertained public comment; however, none was forthcoming.

15. ACTION TO ADJOURN (9:16:16) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:16 a.m.

16. RECONVENE BOARD OF SUPERVISORS (9:16:20) - Mayor Crowell reconvened the Board of Supervisors at 9:16 a.m.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

17. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:16:25) - Please see the minutes for items 9-3(D) and 9-5.

18. SHERIFF - POSSIBLE ACTION TO ACCEPT GRANT AWARD 09-ARRA-45 FROM THE NEVADA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF CRIMINAL JUSTICE ASSISTANCE, IN THE AMOUNT OF \$28,169 (9:27:56) - Mayor Crowell introduced this item, and Sheriff Ken Furlong reviewed the agenda materials. Sheriff Furlong acknowledged that the officers have already received training and that the new equipment is identical to existing equipment. "We just don't have enough." Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to accept Grant Award 09-ARRA-45 from the Nevada Department of Public Safety, Office of Criminal Justice Assistance, in the amount of \$28,169.** Supervisor McKenna seconded the motion. Motion carried 5-0.

19. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION - POSSIBLE ACTION TO ADOPT BILL NO. 110, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF PROPERTY LOCATED AT 510 LINDA KAY COURT, APN 004-342-01, FROM MULTI-FAMILY APARTMENT ("MFA") TO GENERAL OFFICE ("GO"), ZMA-12-036 (9:29:54) - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. He advised of having received no comment or additional information since introduction, on first reading. Mayor Crowell entertained public comments and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor McKenna moved to adopt Bill No. 110, on second reading, Ordinance No. 2012-14, an ordinance to change the zoning of property located at 510 Linda Kay Court, APN 004-342-01, from multi-family apartment to general office, based upon the findings contained in the staff report.** Supervisor Abowd seconded the motion. Motion carried 5-0.

20. FINANCE DEPARTMENT - POSSIBLE ACTION TO ADOPT BILL NO. 111, ON SECOND READING, AN ORDINANCE DESIGNATED AS THE "2012 HIGHWAY REVENUE BOND ORDINANCE;" AUTHORIZING THE ISSUANCE BY CARSON CITY OF ITS FULLY REGISTERED "CARSON CITY, NEVADA HIGHWAY REVENUE (MOTOR VEHICLE FUEL TAX) SUBORDINATE LIEN REFUNDING BONDS, SERIES 2012," FOR THE PURPOSE OF REFINANCING STREET AND HIGHWAY CONSTRUCTION; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS, AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF (9:31:40) - Mayor Crowell

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 7

introduced this item, and Deputy Finance Director Nancy Paulson reviewed the agenda materials. In response to a question, she advised that the interest rate will be reduced from 4.5 percent to 2.37 percent. She acknowledged that the interest rate was locked in as of September 5th.

Mayor Crowell entertained public comments and Board member comments; however, none were forthcoming. Mr. Werner clarified there will be no new construction associated with the refinancing. Mayor Crowell entertained a motion. **Supervisor Aldean moved to adopt Bill No. 111, on second reading, Ordinance No. 2012-15, an ordinance designated as the “2012 Highway Revenue Bond Ordinance”; authorizing the issuance, by Carson City, of its fully registered “Carson City, Nevada Highway Revenue Motor Vehicle Fuel Tax Subordinate Lien Refunding Bonds, Series 2012,” for the purpose of refinancing street and highway construction, providing the form, terms, and conditions of the bonds, and other details in connection therewith, and providing the effective date hereof. Supervisor McKenna seconded the motion. Motion carried 5-0.** Mr. Werner advised that a presentation would be agendized for a future meeting regarding the use for motor vehicle fuel tax revenues.

21. CITY MANAGER

21(A) POSSIBLE ACTION TO ADOPT POLICIES AND PROCEDURES FOR THE CITY’S BOARDS, COMMISSIONS, AND COMMITTEES (9:34:25) - Mayor Crowell introduced this item, and Mr. Werner reviewed the agenda materials. He responded to questions of clarification regarding the most recent revisions to the draft policies and procedures included in the agenda materials.

Mayor Crowell entertained public comment. (9:44:45) Andrea Engelman inquired as to a timeline relative to the effective date of the policies and procedures. Mr. Werner advised that once the policies and procedures are adopted, a timeline can be developed. Ms. Engelman expressed the opinion that the policies and procedures should also be applied to the Board of Supervisors. In response to a comment, Mr. Werner advised there was never any intent for the policies and procedures to be retroactively applied. In response to a further question, he explained that the policies and procedures will be effective immediately upon adoption by the Board and reiterated that their application will not be retroactive.

(9:47:28) Donna DePauw expressed appreciation for the revisions, and provided background information on her community participation. In response to a question, Mr. Werner explained the approach for reviewing and, where necessary, recommending revisions to existing advisory board, commission, and committee bylaws. In response to a question, Supervisor Aldean clarified the intent to ensure consistency among the various advisory board, commission, and committee bylaws. Mr. Werner acknowledged the accuracy of Supervisor Aldean’s explanation. Ms. DePauw expressed the belief that the policies and procedures are unnecessary, and appreciation for the Board’s consideration of her opinions. She expressed the opinion that “these are citizen boards, whether they’re advisory or not. They’re made up by citizens who are supposed to be advocates for the citizens of this community, not for the Board of Supervisors.” Ms. DePauw expressed appreciation for Supervisor Aldean’s emphasis on the inclusion of a code of conduct. She expressed the opinion that the Staff Liaisons paragraph, at page 12, should be removed. She expressed “a real concern with the professionalism of our City offices.” She advised of having sent e-mail correspondence to Mayor Crowell and Supervisor Aldean, dated August 14th, which she read into the record. She reiterated her request to remove the Staff Liaisons paragraph from the policies and procedures or, in the alternative, for the Board to consider “the City Manager’s office not staffing any committees from here on out.” She advised of having previously spoken to Mayor Crowell and Supervisor Aldean regarding her concerns, and of her intent to “bring this up again during Mr. Werner’s review.”

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 8

Mayor Crowell entertained additional public comment. (10:00:12) Ward 2 Supervisor Candidate Dennis Johnson expressed the opinion that the policies and procedures represent “an effort to stifle community involvement, citizen involvement ...” Mayor Crowell requested Mr. Johnson to point out a provision, in the policies and procedures document, which stifles community involvement. Mr. Johnson advised of having left his notes at home, but offered to send an e-mail to the entire Board of Supervisors and Mr. Werner.

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board member comments. Supervisor Aldean acknowledged having met with Ms. DePauw, expressed understanding for her concerns, and commended her service to the Charter Review Committee. Supervisor Aldean advised of having spoken to other advisory board, commission, and committee members and of having sent copies of the policies and procedures to them for review. She expressed the opinion that the policies and procedures raise the advisory boards, commissions, and committees’ level of importance “to a new height because we take their work seriously and we want them to have the tools and we want to provide, through this document, the guidance they need to do the very best job possible.” She expressed the opinion that the policies and procedures “honor their commitment and their participation.” She expressed disagreement that the policies and procedures will stifle community input. “... people, by and large, like structure and ... this provides them with some important guidance so they understand, going into their assignment, what’s expected of them.” Supervisor Aldean expressed no regret over the amount of time invested in developing the policies and procedures, and the opinion that, as a result of public input, it’s a better document. She expressed the further opinion “it’s time to move on and to adopt these policies and procedures” and work with them for awhile. She pointed out that the document is not “immutable ... We can change it, if necessary. We can amend it if there are certain provisions that are unworkable or untenable.” She reiterated the opinion that “it does more good than injury and ... we need to adopt it today.”

Supervisor Walt advised of an opening on the Parks and Recreation Commission due to a commissioner’s recent mid-term resignation. She further advised of having been requested to provide information on the responsibilities and the time commitment, and that she had provided copies of the draft policies and procedures. After having reviewed the draft document, the interested citizens expressed “many different concerns, but this was not one of them.” She expressed confidence in the policies and procedures, and advised of having approached Mr. Werner approximately three years ago to discuss concerns regarding “the inconsistencies of all these different boards and commissions ... and the lack of structure.” She described the policies and procedures as an attempt at streamlining the function, and assured the citizens “we’re not trying to discourage people from applying for these positions.” Supervisor Abowd expressed understanding for Ms. DePauw’s concerns, and suggested a revision to the Staff Liaisons paragraph to ensure consultation with advisory board, commission, and committee chairs on proposed meeting agendas.

(10:06:23) In response to additional comment by Donna DePauw, Mayor Crowell expressed the opinion that “the nature of the discussion here points up the necessity for doing something like this.” Mayor Crowell directed Ms. DePauw to restrict her comments to the policies and procedures document. Ms. DePauw requested the entire Board’s consideration of the policies and procedures document. She expressed appreciation for Supervisor Abowd’s suggested revision, and reiterated the belief “that there is a problem there because they should know automatically from bylaws and things of that nature that we should be contacted as chair people and that should not even be a concern.” She noted that committee members “can be removed for any reason,” and that there is no provision relative to recourse against staff liaisons. She advised of “no intentions of ever applying for another board or committee ever again; ... no intentions of running for office.” She expressed “a lot of anger with this and what [she’s] been through.”

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 9

A brief discussion took place regarding Supervisor Abowd's suggested revision and Mayor Crowell entertained additional public comment. When none was forthcoming, he entertained a motion. **Supervisor Abowd moved to adopt the policies and procedures for the City's boards, commissions, and committees, as discussed, with the one modification as presented; that, under Staff Liaisons, after the first paragraph, "Staff Liaisons will consult with committee chairs on proposed meeting agendas."** Supervisor Walt seconded the motion. Motion carried 5-0. Mayor Crowell recessed the meeting at 10:12 a.m. and reconvened at 10:30 a.m.

21(B) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE ONE, MORE, OR ALL OF THE BOARD MEMBERS TO SIGN A LETTER TO GOVERNOR SANDOVAL, WITH COPIES TO THE CITY'S LEGISLATORS, REGARDING UNFUNDED MANDATES AND SHIFTING OF SERVICES; THE BOARD MAY DIRECT SPECIFIC LANGUAGE AND / OR DIRECT STAFF TO DRAFT LANGUAGE REGARDING DIRECTED TOPICS FOR SUBSEQUENT SIGNATURE BY ONE, MORE, OR ALL BOARD MEMBERS (10:30:56) - Mayor Crowell introduced this item, and suggested copying the legislators representing Carson City as well as the leadership of both houses of the Legislature. He suggested a method for review and discussion of the draft letter, and Supervisor Aldean read into the record the most recent iteration. Discussion took place to revise the draft letter, and consensus of the Board was for Mayor Crowell to hand deliver the letter to Governor Sandoval.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion to approve the letter as redrafted and displayed in the meeting room. **Supervisor Aldean moved to authorize all of the Board members to sign a letter, as drafted and amended at this meeting, to Governor Sandoval to be hand delivered by the Mayor with a copy to the City's legislators and with copies to the majority and minority leaders of both houses, regarding unfunded mandates and shifting of service costs.** Supervisor Walt seconded the motion. Motion carried 5-0.

22. HUMAN RESOURCES DEPARTMENT - POSSIBLE ACTION TO APPROVE THE EXTENSION OF CITY MANAGER LARRY WERNER'S EMPLOYMENT CONTRACT, EFFECTIVE JANUARY 1, 2013 TO DECEMBER 31, 2015 (10:44:16) - Deferred.

23. DISTRICT ATTORNEY

23(A) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 8, PUBLIC PEACE, SAFETY, AND MORALS, CHAPTER 8.04, PROHIBITED CONDUCT, SECTION 8.04.25, ASSAULT - DEFINITION - PENALTY, BY ADDING THE ALTERNATIVE DEFINITION OF INTENTIONALLY PLACING ANOTHER PERSON IN REASONABLE APPREHENSION OF IMMEDIATE BODILY HARM TO THE DEFINITION OF ASSAULT, AND OTHER MATTERS PROPERLY RELATED THERETO (10:44:20) - Mayor Crowell introduced this item, and Senior Deputy District Attorney Tina Russom reviewed the agenda materials. In response to a question, Ms. Russom clarified the definition of "reasonable apprehension of immediate bodily harm." In response to a further question, she clarified the difference between assault and aggravated assault.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to introduce, on first reading, Bill No. 112, an ordinance amending the Carson City Municipal Code, Title 8, Public Peace, Safety, and Morals, Chapter 8.04, Prohibited Conduct, Section 8.04.25, Assault - Definition - Penalty, by adding the alternative definition of intentionally placing another person in reasonable apprehension of immediate bodily harm to the definition of assault, and**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 6, 2012 Meeting

Page 10

other matters properly related thereto. Supervisor Walt seconded the motion. In response to a question, a brief discussion took place regarding the neutral fiscal impact, as delineated in the agenda report. Mayor Crowell called for a vote on the pending motion. **Motion carried 5-0.**

23(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 8, PUBLIC PEACE, SAFETY, AND MORALS, CHAPTER 8.04, PROHIBITED CONDUCT, SECTION 8.04.121, THEFT OFFENSES - DEFINITIONS - PUNISHMENT, BY AMENDING THE THRESHOLD DOLLAR AMOUNT FOR WHICH A MISDEMEANOR OFFENSE MAY BE CHARGED, AND BY AMENDING SECTION 8.04.122, DEFRAUDING COMMERCIAL PROPRIETORS, TAXICAB OPERATORS, BY AMENDING THE THRESHOLD DOLLAR AMOUNT FOR WHICH A MISDEMEANOR OFFENSE MAY BE CHARGED, AND OTHER MATTERS PROPERLY RELATED THERETO (10:49:59) - Ms. Russom provided background information, reviewed the agenda materials, and responded to questions of clarification. Supervisor Aldean suggested including a restitution provision, and Ms. Russom advised that the item would need to be reagendized for first reading. In response to a question, Mr. Munn explained the reason for not automatically tying the Carson City Municipal Code to amendments to the criminal code. "You have to have a specific code because it is a delegated misdemeanor authority to the local government." Mayor Crowell entertained public comment; however, none was forthcoming. He requested Ms. Russom to add a restitution provision and to reagendize the item for the next meeting.

24. BOARD OF SUPERVISORS NON-ACTION ITEMS:

STATUS REVIEW OF PROJECTS (10:55:45) - Mayor Crowell introduced this item, and Mr. Werner advised of nothing new to report.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (10:56:06) - Supervisor Aldean read into the record a report on the August 22, 2012 TRPA Governing Board meeting. She responded to questions regarding bear box compliance, the status of the regional plan update, and the wood stove incentive program. Supervisor Walt advised of having received positive feedback regarding the City's Facebook page. Mayor Crowell entertained additional comments; however, none were forthcoming.

STAFF COMMENTS AND STATUS REPORT - None.

25. PUBLIC COMMENT (11:08:22) - Mayor Crowell entertained public comment; however, none was forthcoming.

26. ACTION TO ADJOURN (11:08:32) - Supervisor Aldean moved to adjourn the meeting at 11:08 a.m. Supervisor Walt seconded the motion. Motion carried 5-0.

The Minutes of the September 6, 2012 Carson City Board of Supervisors meeting are so approved this 4th day of October, 2012.

ATTEST:

ROBERT L. CROWELL, Mayor

ALAN GLOVER, Clerk - Recorder