

CARSON CITY ETHICS ORDINANCE REVIEW COMMITTEE
Minutes of the October 10, 2013 Meeting

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A meeting of the Carson City Ethics Ordinance Review Committee was scheduled for 1:30 p.m. on Thursday, October 10, 2013, in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Ande Engleman
Vice Chair Janette Bloom
Member Caren Cafferata-Jenkins
Member Dawn Ellerbrock
Member Angela Miles

STAFF: Larry Werner, City Manager
Alan Glover, Carson City Clerk-Recorder
Tina Russom, Deputy District Attorney
Tamar Warren, Deputy Clerk/Recording Secretary

NOTE: A recording of these proceedings, the Ethics Ordinance Review 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. CALL TO ORDER** (1:31:20) – Chairperson Engleman called the meeting to order at 1:31 p.m.
- 2. ROLL CALL** (1:31:34) – Roll was called; a quorum was present.
- 3. PUBLIC COMMENT** (1:32:00) – Chairperson Engleman entertained public comments; however, none were forthcoming.
- 4. FOR POSSIBLE ACTION: APPROVAL OF MINUTES** (1:32:27) – **Member Cafferata-Jenkins moved to approve the minutes of the September 12, 2013 meeting. The motion was seconded by Member Miles.** Chairperson Engleman stated for the record “I’m very impressed...the minutes are excellent...and very timely”. **Motion carried 5-0.**
- 5. FOR POSSIBLE ACTION: ADOPTION OF AGENDA** (1:33:33) – Chairperson Engleman introduced the item and noted that the last previously-scheduled meeting had been postponed in order to receive Mr. Glover’s input “on the portions of the statute of the ordinance that affected his office”, adding that Mr. Glover had been out of the country. She also encouraged public input, stating that the next meeting would be the Committee’s last one. **Member Bloom moved to adopt the agenda as presented. The motion was seconded by Member Ellerbrock. Motion carried 5-0.**
- 6. FOR POSSIBLE ACTION: REVIEW AND COMPARISON BETWEEN CARSON CITY MUNICIPAL CODE CHAPTER 2.34 CODE OF ETHICS AND STATE ETHICS CODE NRS CHAPTERS 281 AND 281A AND POSSIBLE ACTION TO PROVIDE DIRECTION REGARDING STAFF WORK AND/OR FUTURE AGENDA ITEMS.** (1:35:45) – Chairperson Engleman introduced the item and noted that during the previous meeting’s discussion, the Committee had not been aware that changes were incorporated into NRS Chapter 281 during the 2013 legislative session. Member Cafferata-Jenkins approached the podium and stated her desire to have “a substantive discussion of the Carson City Municipal Code as it relates to ethics for elected and appointed officials”, and their overlap with State statutes and other laws. She also noted that the Committee had received, in their packets, information from Mr. Glover regarding some of the provisions in the Municipal Code, adding that she would address that information as well. Member Cafferata-Jenkins commended the District Attorney’s Office for a table given during last month’s meeting, and noted that this was not a presentation but a discussion to which she would provide input as well. She also clarified that NRS Chapter 281A, the sum total of Ethics and Government Law for all public officials and employees in Nevada, was the “best guess” of her office, the State of Nevada Commission on Ethics, at how the Legislative Council Bureau will accommodate the changes in 2013. She gave examples of how Carson City would be able to adopt an ethics ordinance that can further restrict the conduct of the public officers and employees, if desired. Member Cafferata-Jenkins elaborated

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on the expectations of Carson City residents from their elected and appointed officials. She also highlighted that candidates are regulated by the State Attorney General's Office and the local elections codes, explaining that conflicts are expected when business persons are elected or appointed into office, and emphasized the importance of protecting public interests.

Chairperson Engleman received confirmation from Ms. Russom that the term "appointed official" extended to volunteer committee appointments as well. Member Cafferata-Jenkins focused on many definitions such as "candidate", "gift", and "relative", noting the duplication of those definitions in State and Municipal laws. She also pointed out these duplications which were included in the agenda materials and incorporated into the record, provided by the Office of the Carson City Clerk, highlighting its similarities with those of the State's. Discussion ensued regarding the Secretary of State's role in being a repository for the state-level candidates, including information regarding convictions, financial obligations, and gifts received. Member Cafferata-Jenkins discussed the conflict of interest rules for the Mayor and Board of Supervisors, such as disclosed financial interests, in addition to circumstances that lead to abstentions from voting. She also noted that guidance was available by the State since it possessed precedents such as case law, whereas the City did not. Chairperson Engleman clarified that Carson City had adopted a new set of policies and procedures that required all committee members and chairs to adhere to the same ethics standards. Mr. Werner noted that those policies may be in need of a revision based on this Committee's recommendations.

Member Cafferata-Jenkins also discussed willful acts, noting that intentional acts, and not intentional outcome, could be deemed as "knowing" under the criminal statute. She explained that willful and knowing violations would result in fines and imprisonment for up to one year. She noted that the 55 pages of State Statute on Ethics were duplicated in the 11 page City Ordinance, adding that new changes must be incorporated into the City Ordinance every time the State law changed. Member Ellerbrock thanked Member Cafferata-Jenkins for making the State Code of Ethics easy to understand. Mr. Glover suggested removing all duplications from the City's Municipal Code. He elaborated that the State Law was quite comprehensive and had a mechanism for enforcement, which the City did not. Member Cafferata-Jenkins suggested that City Clerks notify newly-elected officials that they are subject to NRS 281A, and ensure that they sign an acknowledgement that they have read and understand the document in its entirety. Mr. Werner noted that currently committee chairs undergo ethics and other related training. Member Cafferata-Jenkins stated that the State Ethics Commission has a training budget to travel and train at no charge to the recipient jurisdiction. She also recommended that Mr. Werner access available ethics training to elected and appointed officials and the public. Mr. Werner outlined the available ethics training to elected and appointed officials, adding that the employee training was a bit more difficult due to the 24-hour shifts, but noted that many of the City's employee training was done online and required acknowledgment of participation. In response to a question by Chairperson Engleman, Member Cafferata-Jenkins clarified that her department's training was not available digitally; however, she cited several examples of successful training to 24-hour shift employees. Mr. Werner also gave examples of training opportunities that had been open to the general public. Member Miles was informed that candidates for office were under the jurisdiction of the Secretary of State's Office; however, once elected, they would also fall under the jurisdiction of the State Ethics Commission. Mr. Glover clarified that candidates filed their information online, which was made available to the general public.

7. DISCUSSION ONLY REGARDING POSSIBLE ISSUES AS THEY PERTAIN TO THE ELECTIONS PORTION OF THE CITY'S ETHICS CODE. (2:58:38) – Chairperson Engleman introduced the item and entertained additional language or clarifications by the members. Member Bloom agreed with Mr. Glover that the Code of Ethics should be repealed, adding that she wished to see its purpose and intent repealed as well. She also wished to see that the City's Code of Ethics refer to and comply with the State Law. Member Bloom also recommended that a paragraph be written by the District Attorney's Office to be voted on during the next meeting. Member Miles inquired about the City's ability to implement changes made by the State. Member Cafferata-Jenkins suggested that the City Clerk make elected or appointed officials aware of the current state of the law, and ensure that every two years individuals make it their responsibility to look up the new changes made during the legislative sessions. Chairperson Engleman advised leaving the introductory paragraph, outlining the Board of Supervisors' belief to be ethical, in the Municipal Code. Member Ellerbrock also agreed with repealing the entire Municipal Code including the purpose and intent, because purpose and

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intent of a nonexistent code would not be relevant. Member Bloom clarified that purpose and intent language was included in the State Ethics Code; therefore, maintaining it in the Municipal Code might create a conflict. Mr. Glover suggested utilizing a resolution mechanism.

8. DISCUSSION ONLY CONCERNING SUGGESTIONS FOR NEW LANGUAGE AND/OR CHANGES TO THE CARSON CITY MUNICIPAL CODE CHAPTER 2.34 CODE OF ETHICS. – Mr. Werner advised that Staff draft suggestions incorporating today's discussed changes for a vote during the next meeting. Member Cafferata-Jenkins encouraged the public to look at the proposed language drafted by the District Attorney's Office, and make suggestions at the next meeting.

9. FOR POSSIBLE ACTION: TO SET THE NEXT MEETING DATE OF THE ETHICS ORDINANCE REVIEW COMMITTEE. (3:12:09) – Chairperson Engleman introduced the item. Several members preferred November 14, 2013 as the next meeting date. **Member Ellerbrock moved to have the Committee's next meeting on November 14, 2013 at 1:30 p.m. The motion was seconded by Member Bloom. Motion carried 5-0.**

10. PUBLIC COMMENT (3:15:17) – Chairperson Engleman entertained public comments; however, none were forthcoming.

11. FOR POSSIBLE ACTION: TO ADJOURN. (3:15:38) – Chairperson Engleman entertained a motion. **Member Miles moved to adjourn. The motion was seconded by Member Cafferata-Jenkins. The meeting was adjourned at 3:16 p.m.**

The Minutes of the October 10, 2013 Carson City Ethics Ordinance Review Committee meeting are so approved this 14th day of November, 2013.

ANDE ENGLEMAN, Chair