

## City of Carson City Agenda Report

**Date Submitted:** April 29, 2014

**Agenda Date Requested:** May 1, 2014

**Time Requested:** 5 minutes

**To:** Redevelopment Authority

**From:** Community Development – Office of Business Development

**Subject Title:** For Possible Action: To approve amended Redevelopment Authority Citizens Committee (RACC) bylaws to bring the bylaws into conformance with the Board of Supervisors' policies and procedures for advisory boards, commissions, and committees. (Lee Plemel)

**Summary:** The Board of Supervisors adopted policies and procedures applicable to all advisory boards, committees, and commissions in September 2012. The current RACC bylaws were last amended in 2011. The purpose of this item is to amend the RACC bylaws to comply with the Board's policies.

**Type of Action Requested:**

Resolution  
 Formal Action/Motion

Ordinance  
 Other ( )

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to approve the amended Redevelopment Authority Citizens Committee bylaws to bring the bylaws into conformance with the Board of Supervisors' policies and procedures for advisory boards, commissions, and committees.

**Explanation for Recommended Board Action:** The current RACC bylaws have provisions that are in conflict with the adopted Board of Supervisors policies and procedures for advisory boards, committees, and commissions, particularly with regard to term limits and attendance policies. The RACC bylaws require approval of any amendments to the bylaws by the Redevelopment Authority.

**RACC Recommendation:** The Redevelopment Authority Citizens Committee recommended approval of the proposed bylaws amendments on April 7, 2014, by a vote of 7-0.

**Applicable Statute, Code, Policy, Rule or Regulation:** Board of Supervisors' adopted policies and procedures for advisor boards, committees, and commissions.

**Fiscal Impact:** N/A.

**Explanation of Impact:** N/A.

**Funding Source:** N/A.

**Alternatives:**

1. Do not approve the amended bylaws or further amend the bylaws and refer them back to RACC for further review.

**Supporting Material:**

1. Staff memo to RACC
2. Draft amended RACC Bylaws
3. Board of Supervisors' policies and procedures for advisory boards
4. Resolution establishing RACC and its duties

**Prepared By:** Lee Plemel, AICP, Community Development Director

**Reviewed By:** Lee Plemel (Community Development Director) Date: 4/22/14  
Marenagawins (City Manager) Date: 4/22/14  
Andy New (District Attorney's Office) Date: 4/22/14  
Dawn Paulson (Finance Director) Date: 4/22/14

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay \_\_\_\_\_  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



## Office of Business Development

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Carson City, Nevada 89701  
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Date: March 31, 2014

To: Redevelopment Authority Citizens Committee  
Meeting of April 7, 2014

From: Lee Plemel, Community Development Director

Subject: Action to make a recommendation to the Redevelopment Authority regarding amendments to the RACC bylaws to comply with the Board of Supervisors' policies and procedures for advisory committees.

**Recommended Motion:** I move to recommend to the Redevelopment Authority approval of the amended Redevelopment Authority Citizens Committee bylaws as presented by staff.

**Discussion:**

The Board of Supervisors adopted policies and procedures applicable to all advisory boards, committees, and commissions in September 2012. The current RACC (Redevelopment Authority Citizens Committee) bylaws were last amended in 2011. The purpose of this item is to amend the RACC bylaws to comply with the Board's policies.

Attached are draft amended bylaws prepared by staff for the RACC's review and recommendation to the Redevelopment Authority. Generally, changes are only made where current RACC bylaws are in conflict with the Board policies. Additional verbiage is added directly from the Board's policies to provide additional information or clarifications on expectations of the RACC and its members, but it was not intended or necessary to copy every provision on the Board's policies into the RACC bylaws. The Board's policies (attached), as may be amended, are incorporated into the RACC bylaws by reference.

Also attached is the Resolution establishing the RACC and authorizing its duties, for your reference.

It is important for all RACC members to understand the bylaws as well as the Board's policies. Where appropriate, the RACC may make other amendments to the bylaws for recommendation to the Redevelopment Authority. The RACC bylaws may only be amended by two-thirds majority of the Committee (at least five of the seven members). The Redevelopment Authority must approve the bylaws before they become effective.

If you have any questions regarding this item, contact Lee Plemel, Community Development Director, at 283-7075 or [lplemel@carson.org](mailto:lplemel@carson.org).

**Attachments:**

1. Draft RACC Bylaws with proposed amendments
2. Board of Supervisors' Policies and Procedures for advisory committees
3. Resolution establishing RACC and its duties

REDEVELOPMENT AUTHORITY CITIZENS COMMITTEE  
BYLAWS

I. GENERAL POLICIES AND PROCEDURES

A. Redevelopment Authority Citizens Committee established.

1. Appointment and terms of members.
  - a. The Board of Supervisors and Redevelopment Authority shall appoint no more than seven citizens to serve on the Citizens Committee.
  - b. The Committee shall be comprised of seven members, including: a member of the Redevelopment Authority as appointed by the Authority; two representatives each from Redevelopment Areas 1 and 2 who are either a business operator or property owner within that area; and two citizens at large with qualifications as may be further detailed in the most current resolution establishing the Committee approved by the Board of Supervisors.
  - c. Members of the Redevelopment Authority Citizens Committee shall be residents and active registered voters of Carson City.
  - d. The Board of Supervisors and Redevelopment Authority may appoint individuals from the financial community to be advisors to the Redevelopment Authority Citizens Committee.
  - e. Every member of the Committee shall be appointed for a three-year term which shall expire on January 1, or until a replacement is named. Appointments to the Committee will be made on a staggered-year basis. Except for the Redevelopment Authority member, Committee members may only serve ~~two-four~~ full three-year terms on the Committee, ~~after which the member may not serve on the Committee for one year before being considered eligible for reappointment. Notwithstanding these term limits, an incumbent may be reappointed to the Committee if the position remains vacant for more than 60 days after the term expires.~~
2. Committee authorization.

The Redevelopment Authority Citizens Committee shall advise the Carson City Redevelopment Authority regarding the Redevelopment Incentives Program and other duties as authorized by the Board of Supervisors.

3. Service without compensation, removal, vacancies.
  - a. All members of the Redevelopment Authority Citizens Committee shall serve without compensation.
  - b. Citizen members may be removed after public hearing, by a majority vote of the Board of Supervisors, for inefficiency, neglect of duty, malfeasance of office or non-attendance at regular meetings. Vacancies that occur other than through the expiration of a term shall be filled for the unexpired term.

4. Board of Supervisors' Policies and Procedures.

The Redevelopment Authority Citizens Committee shall be subject to the Board of Supervisors' Policies and Procedures for Boards, Committees, and Commissions, as may be amended, incorporated into these bylaws by reference.

B. Ethics of the Committee Members.

1. Conflict of interest.

- a. Members shall comply with State and City regulations related to conflict of interest. However, it is acknowledged any member of the Committee may be indirectly involved with projects under consideration of the Committee. All Members must avoid any conflict of interest. No individual may use an official position to gain personal advantage. If a Member concludes that they have a conflict of interest or an appearance of fairness issue with respect to a matter pending before Committee, they must disqualify themselves from participating in the deliberations and decision-making process for the matter under consideration. A Member so disqualifying himself or herself shall have no personal presence before or direct communication with the other members regarding the matter at issue. Failure of a Member to disclose that he or she has a conflict of interest on a matter under consideration by the Committee may be cause for removal from the Committee.
- b. No member shall participate in, take action, cast a vote or lobby other members in relation to any project or proposal before the Committee that relates to a property, business, or other venture in which the member has a financial or vested interest.
- c. The policy of the Committee is that the appearance of a conflict of interest is as prejudicial in nature for the credibility of the Redevelopment Authority Citizens Committee and the City as an actual conflict of interest. Members, on behalf of the good of the Committee and to maintain its public credibility, shall utilize

discretion and judgment and should disclose the appearance of or actual conflict.

- d. In the event of a pending matter for which a member wishes to be disqualified, the policy of the Committee shall be that if it is an actual conflict of interest as described in I. B. 1. b., the member shall leave the dais and the meeting room until the matter has been decided. If the matter is an appearance of conflict of interest, the member may, using his or her judgment, remain at the dais or step down to the floor, and announce prior to the opening of the public hearing that he or she will be abstaining from this matter.
- e. A member convicted of a felony, domestic violence or gross misdemeanor involving moral turpitude shall resign from the Committee within 30 days of the conviction.

2. Discretion.

Members shall be discreet in the discussion of pending matters outside of the meeting forum. No commitments or prejudicial comments shall be made prior to a public hearing in advance of any official action.

C. Public meetings and records.

- 1. Regular meetings of the Committee shall be open to the public and subject to the provisions of the Nevada Open Meeting Law. In enacting NRS 241, the Nevada Legislature found and declared that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that public body actions be taken openly and that their deliberations be conducted openly. It is the responsibility of every Member to understand the requirements of the Open Meeting Law and to assure that they individually and the Committee as a whole operates within the letter and spirit of the law. Members are required to attend either the annual training course or the short course provided through the District Attorney's Office within twelve months of appointment.
- 2. The City shall provide a Secretary for each and every meeting of the Committee to act as a recorder, vote counter and to take roll.
- 3. The Committee may cause to be kept ~~tape~~ recordings of the meetings together with or separate from a minute record of the meetings containing each of the items before the Committee and the vote taken on each item.
- 4. Committee files shall be public documents, and shall be available for review by members or any member of the public within a reasonable period of time following a request to view such a document at the Office of Business Development.

D. Code of conduct.

It is expected that appointees to all City boards, committees and commissions shall conduct themselves in a manner befitting their position. Courtesy, honesty and respect for others are important attributes for all public servants whether appointed, elected or employed. Everyone who serves the City should treat others in a professional manner being mindful of the fact that they are expected to represent and be accountable to the people they serve.

E. Lobbying.

Unless expressly authorized by the Board of Supervisors, no board, commission, or committee, or any member of a board, commission or committee shall engage in lobbying on legislative or political matters on behalf of the board, commission or committee of Carson City. Nothing in this policy precludes individual appointees from lobbying or providing information as a private citizen provided the appointee specifically clarifies that while he or she holds an appointed position, the appointee is acting in a private capacity and not in his or her capacity as an appointed member of a board, commission, or committee or on behalf of the City. In that regard, individual appointees should refrain from lobbying as a private citizen in a way that implies authority to speak on behalf of the City or the public body to which they are appointed.

**II. MEETINGS OF THE COMMITTEE**

**A. Regular meetings.**

1. Regular meetings shall be held on a monthly basis at a time and date determined by the ~~chair~~ Board of Supervisors through the ~~City Manager~~.
2. Special meetings may be called at any time by the Chairperson, or by a quorum of the Committee at a properly noticed meeting.
3. The Committee shall make every effort to hold meetings as expeditiously as possible after submittal of request.

**B. Annual meeting for election of officer.**

1. At its regular meeting in January of each year, the Committee may elect a Chairman Chairperson and Vice-Chairperson for the coming calendar year or as a vacancy occurs.
2. The term of the Chairperson and Vice-Chairperson shall be one year. ~~The officer may be re-elected to additional terms, if so desired by the Committee. A Chairperson may serve no more than two consecutive years. A Member who serves as Chairperson for two consecutive years~~

will qualify to be re-nominated for Chairperson after two or more years have passed since the Member last served as Chairperson.

3. The Redevelopment Authority member shall not serve as the Chairperson or Vice-Chairperson of the Committee.

C. Duties of the Chairperson.

1. The Chairperson shall be responsible for the conduct of all Committee meetings.
2. The Chairperson shall confer with the Director of the Office of Business Development or his/her designee on the matters scheduled for the agenda.
3. The Chairperson may request that items be calendared for a Committee meeting. If other Committee members wish to calendar an item, such request shall be made to the Chairman.
4. In the absence of the Chairperson, these duties shall be assumed by the Vice-Chairperson.

D. Attendance.

1. Members shall make a diligent effort to attend all meetings, arrive promptly, and be properly prepared to discuss the issues calendared for the meeting.
2. In any calendar year, members shall attend a minimum of eighty percent (80%) of the scheduled Redevelopment Authority Citizens Committee meetings. All Members shall attend at least 75 percent of all scheduled meetings in the preceding 12 month period, and shall exercise due diligence in attending special meetings, public hearings, workshops and/or study sessions. No differentiation is made between excused or unexcused absences of members.
3. Approval for excused absences may be granted to any member by the Chairman or, in his/her absence, the Vice Chairman. Should an absence be excused for reasons of illness, death in the family, an emergency or if other public meetings supersede the Committee's meetings, this will be recorded as an excused absence and will not reflect on the attendance record.
4. Should a member miss a meeting for other reasons, the Chairman or, in his/her absence, the Vice Chairman may find that this is an excused absence, and it will not reflect on the attendance record. This discretion is based on the member's overall attendance record.

E. Quorum.

1. A quorum shall be four members of the Committee.
2. To be considered an approved motion, a vote of a simple majority of the Committee present shall be required.
3. No quorum. If the Chairperson or liaison department staff is aware that a quorum will not be present at any time during the scheduled public meeting, the meeting shall be cancelled. When possible it shall be cancelled by providing email notice to any applicable notification list and posting the cancellation notice at the door of the noticed meeting location.
4. Late quorum. If it is reasonably believed that one or more members will arrive late to complete the quorum, the meeting may begin at its scheduled time, but the Chairperson may call for only non-action informational agenda items and public comment to be heard by the public body until a quorum is present. At any time after call to order and roll call, the Chairperson may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely appear.
5. Loss of quorum. If for any reason during a public meeting that has been convened the Committee loses its quorum, the Chairperson may call for only non-action informational agenda items and public comment to be heard until a quorum is present. At any time after losing a quorum, the chairperson may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely reappear.

F. Communications with the Redevelopment Authority and Board of Supervisors.

Expressions of the Committee's position, recommendation, or request for any action shall be in the form of a resolution, motion, or other written communication setting forth the reasons, facts, policies, and/or findings of the Committee supporting the communication and shall be directed to the Redevelopment Authority and the City Manager. It should be emphasized that when a Committee Member who is present at a Redevelopment Authority or Board of Supervisor's meeting is asked to address the Authority or Board on a matter within the scope of the Committee, the member should take care to represent the viewpoint of the Committee as a whole and to avoid expressing his or her personal opinion unless clearly stated as such.

F-G. Resignation.

Any member may resign at any time by sending written notice of such resignation to the City Manager.

### III. DUTIES OF THE COMMITTEE:

#### A. Responsibilities and authority.

1. The Committee shall have the responsibility and authority to review projects and make recommendations to the Redevelopment Authority and Board of Supervisors granting financial and other incentives, such as those delineated in the Carson City Redevelopment District Incentives Program.
2. The Committee shall grant these incentives based on adherence to the Carson City Development Standards and other criteria established by the Committee and approved by the Redevelopment Authority and Board of Supervisors.
3. The Committee shall have the authority to approve incentives established by the Redevelopment Authority and Board of Supervisors and delegated to the Committee.
4. The Committee shall work earnestly with the local banking institutions to encourage lending in the Redevelopment District.
5. The Committee may have other duties as authorized by the Board of Supervisors.

### IV. AMENDMENT

An amendment to these bylaws requires an affirmative vote of two-thirds of the total Committee membership (five of seven Committee members) in order to pass. Amendments to these bylaws shall must be reviewed and approved or amended by the Redevelopment Authority to become effective.

### V. REPORTS AND MEETING PACKETS:

#### A. Staff reports.

1. The Director of the Office of Business Development or his/her designee shall cause to be prepared reports of the Redevelopment Authority Citizens Committee for each item for which a public hearing is scheduled.
2. Each staff report shall be in the form and style as determined by the Director. At a minimum, the report shall recommend to the Committee the necessary findings required to consider an action on a project; recommend language for a motion supporting the proposed action; and recommend conditions to ensure conformance of the proposed project with City policy and regulations.

B. Submittal of materials with applications.

The policy of the Redevelopment Authority Citizens Committee is that staff will not schedule a matter before the Committee for decision until staff determines that all required information is submitted in a form and manner consistent with the policies of the Committee and City.

Carson City, Nevada  
Boards, Committees, and Commissions

Policies and Procedures  
Approved September 6, 2012

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## Boards, Committees, and Commissions

### PREFACE

Carson City is blessed with a citizenry that believes in the value and benefits of community service and active public engagement. The men and women who serve the City as volunteers and as members of its boards, committees, and commissions are critical to Carson City's mission of providing quality services to its residents and to ensuring government processes are open, transparent and inclusive and that our superior quality of life is preserved for present and future generations.

### PURPOSE AND AUTHORITY

Boards, committees, and commissions are created under the authority of the Carson City Charter, Chapter 2.320. They are intended to gather and parse information for the purpose of presenting options and recommendations to the Carson City Board of Supervisors. Unless otherwise directed by the Nevada Revised Statutes, Carson City Charter, Carson City ordinance, resolution of the Board of Supervisors or by order of law such entities are advisory in nature and retain no official independent authority or responsibility.

### EQUAL OPPORTUNITY

The goal of Carson City is to encourage a diverse membership and participation on its boards, committees, and commissions. Equal opportunity is good business and applies to all areas of citizen involvement. Carson City does not discriminate in its selection decisions based on race, religion, color, national origin, gender, gender identity or expression of a person, sexual orientation, age, political affiliation, pregnancy, military status, disability, genetic information, or any other basis. The selection of members of a board, committee, or commission is based solely on merit and fitness.

### CODE OF CONDUCT

It is expected that appointees to all City boards, committees and commissions shall conduct themselves in a manner befitting their position. Courtesy, honesty and respect for others are important attributes for all public servants whether appointed, elected or employed. Everyone who serves the City should treat others in a professional manner being mindful of the fact that they are expected to represent and be accountable to the people they serve.

## APPLICATION

This policy applies to all appointed boards, committees, and commissions, Carson City offices/departments and to all elected officials, department directors and their employees except as stated below.

This policy does not apply to the Carson City Board of Supervisors, the Carson City Liquor and Entertainment Board, the Carson City Board of Health, the Carson City Redevelopment Authority, nor any non-City board, committee, or commission created by state or federal law on which a member of the Board of Supervisors sits or where the Carson City Board of Supervisors is required to appoint a portion of the membership but not a majority of the membership.

This policy does not apply to internal committees established by department directors for informal processes such as the Human Resources' Director's Insurance Committee, the City's Risk Management Committee, or the City Manager's Internal Finance Committee. These committees exist at the discretion of the Directors and do not involve non-city members.

## TYPES

Boards, committees, and commissions are created by state law, Carson City Charter, or ordinance or resolution of the Board of Supervisors.

Each committee is unique in its purpose, mission, and role. It is especially important that members be familiar with their committee's governing statutes, ordinances, or controlling resolutions and other authorizing documents so they understand the framework within which the committee must operate. The City's executive department advisory bodies may in some cases not be a public body under the Open Meeting Law.

There are four main types of committees (See Appendix A.):

### Advisory Boards, Committees, and Commissions

The Board of Supervisors, elected executive officials, the City Manager, and department directors may create these. The members serve as advisors on policy and/or operational matters to the City's executive department or to the Board of Supervisors. Advisory bodies may study existing policy and/or operational procedures for changes or implementation. Advisory bodies do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of City government. Examples of advisory bodies are the Parks and Recreation Commission and the Redevelopment Authority Citizen's Committee which are also public bodies under the Open Meeting Law

### Legislative Boards, Committees, and Commissions

Legislative boards, committees, and commissions are created by state law with the membership appointed by the Carson City Board of Supervisors, or, in the case of the Board of Supervisors, elected to the board by the community. Boards, committees or commissions with legislative authority have the ability to make, amend or repeal

ordinances and regulations. An example of this legislative authority is the Carson City Redevelopment Authority's ability to zone or rezone property in a redevelopment area.

#### Regulatory Boards, Committees and Commissions

Usually, these types of bodies are created by statute or ordinance and perform rule-making or administrative hearing functions. In fulfilling these functions, they operate as a review and appeals body. As an appeals body, they hear individual cases and rule on them; their decisions, however, are usually subject to further appeals, which might include a hearing officer, or the Board of Supervisors or a State board, or judicial review. Examples of regulatory bodies are the Board of Equalization and the Carson City Board of Health.

#### Member of a Non-City Board, Committee, or Commission

The boards, committees, and commissions listed under this heading are created by other governments or agencies and the City has been asked (or mandated by state or federal law) to supply a member(s). An example of a board that's not created by the Carson City Board of Supervisors but to which the Board appoints members is the Nevada Association of Counties (which is a nonprofit corporation) or the Tahoe Regional Planning Agency Governing Board (which is a bi-state government public body).

### APPOINTMENT AUTHORITY

Members are appointed by resolution or minute order to the various boards, committees, and commissions by a majority vote of the Carson City Board of Supervisors or by the Mayor of Carson City as set out in the particular state law, ordinance, or resolution of the Board of Supervisors.

### APPOINTMENT PROCEDURES

The methods by which non-elected citizen members are to be appointed to certain City public bodies are:

#### *Vacancies to be advertised*

Carson City Executive Office staff publicizes vacancies on the City's boards, committees, and commissions and solicits and reviews applications for membership from interested citizens. Notice is published in the local newspaper and is posted on the City's website by means of an announcement naming the type of vacancy, where to obtain an application and the closing date for accepting applications. Applications may be accepted between application periods and held until the next vacancy occurs.

The notice is generally made at least four weeks in advance of the end of the term and the application period generally remains open for a minimum of two weeks. Prior to the time an incumbent's term expires, he or she will be notified and given the opportunity to indicate his or her desire to be re-appointed.

Commissioners, existing board and committee members, and others are encouraged to recruit citizens to apply for vacancies if they believe they would serve the city well. If no applications are received by the expiration of the application period, or if applicants fail

to receive majority support from the Board of Supervisors, the individual members of the Board of Supervisors may privately solicit, or collectively take public action to solicit, individuals to serve and may appoint members without another open application period.

### ***Qualification and Residency Requirements***

Section 2.320 of the Carson City Charter requires that a person sitting on an advisory board that only serves Carson City must be a resident of Carson City and registered to vote in Carson City.

### ***Methods of Appointment***

- A. When a board, committee, or commission is first created, the members shall be appointed by the Board of Supervisors after review of the applications and interviewing the candidates either in person or electronically.
- B. After the initial formation of the board, committee, or commission, any vacancy occurring for any reason shall be filled by appointment by the Board of Supervisors after reviewing the submitted applications and interviewing the prospective members either in person or electronically.

### ***Filling Mid-term vacancies***

Should a mid-term vacancy occur on a board, committee, or commission, the Board of Supervisors may appoint a replacement member to complete the remainder of the term, as provided by this policy and state law. If applications for the original appointment are less than one year old, the Board may appoint a replacement from the original pool of applicants.

### ***Nominations by Individual Board of Supervisor members***

Where committee membership is made up by nominations by individual Board of Supervisor members, such as the Charter Review Committee, the nominations shall be made no later than the first Board of Supervisor meeting in February of each year for those committees having annual terms or the February following a General Election for newly elected Board of Supervisors for those committee members whose terms are co-terminus with the Supervisor. NOTE: For the Charter Review Committee, the appointment of nominees by Nevada Legislators representing Carson City shall also be made by the first Board of Supervisor meeting in February following a General Election.

### ***Incumbent May Reapply***

Any member of a board, committee, or commission whose term is near expiration may apply for reappointment by sending a letter to the City's Executive Office before the date of the expiration of his or her term but during the official application period.

### ***Criteria for Appointment***

- A. *Residency.* Appointment to certain boards, committees or commissions must, by state law, ordinance, resolution or City requirements, be limited to residents of Carson City. Persons residing outside the City may be considered and appointed to positions not legally restricted to City residents when determined appropriate by the Board of Supervisors.
- B. *Criminal Record:* A person convicted of a felony, domestic violence or a gross misdemeanor involving moral turpitude (conduct contrary to community standards of justice, honesty and good morals) is not eligible to serve on a City board, committee, or commission. The application form shall contain a provision for a statement under oath that the candidate is eligible to serve on a board, commission, or committee under the criteria set forth in this paragraph.
- C. *Conflicts.* City employees (including elected officials), persons that have been a City employee and/or an elected official during the previous twelve months, and persons that have a contract for services and/or goods with the City are not eligible for appointment to City boards, committees or commissions unless the intent of the committee so requires it or is otherwise provided by law.
- D. *Contributive Potential.* The Board of Supervisors shall evaluate the potential contribution that each applicant may make if appointed to a board, committee, or commission. Guiding factors include:
  1. Desire and ability to perform the service.
  2. Ability to express ideas, concepts, and philosophies.
  3. Experience in the community.
  4. Special knowledge important to a particular board, committee, or commission, yet with the ability to represent the interests of the community as a whole and not a special interest.
  5. Ability to work collaboratively with other members, staff, and officials.
  6. An assurance of sufficient time available to devote to the duties of the board, committee, or commission.
- E. *Reappointments.* Incumbents who wish to be reappointed and who are eligible for reappointment shall submit an application during the application period. In addition to the criteria above, the Board of Supervisors will also evaluate incumbents using the following criteria:
  1. Attendance. The expected minimum standard of attendance at all meetings is 75%, regardless of whether absences are excused or unexcused.
  2. Understanding the function of the board, committee, or commission.
  3. Contribution to the efforts of the board, committee, or commission.
  4. Effectiveness as a participating member of the body.
  5. Number of terms served.

### ***Background Check***

The Board of Supervisors may require a pre-appointment background check for any position if deemed warranted. The cost of the background check will be borne by the City.

## **TERMS**

Whenever possible, terms will be set to expire at either yearend or mid-year. The same expiration date may apply to all terms of the board, committee, or commission. Terms may be adjusted as necessary to maintain staggered expiration dates.

## **TERM LIMITS**

Consistent with the goal of equal opportunity above, unless otherwise specifically waived by the Board of Supervisors, it is the general policy that appointment term limits shall be twelve (12) years as follows: Where maximum terms of service are specified, appointees:

1. serving a two (2) year term may be reappointed five times for a maximum of six (6) terms;
2. serving in a three (3) year term may be reappointed three times for a maximum of four (4) terms;
3. serving a four (4) year term may be reappointed twice for a maximum of three (3) terms; and
4. serving a five (5) year or greater term may be reappointed once for a maximum of (2) two terms.

Some boards, committees or commissions may have different term lengths and term limits that are exceptions to these general rules.

For a term of two (2) years or less, appointments of less than one (1) year made to fill an unexpired term shall not be considered as a full term. Appointments of one (1) year or more shall be considered a full term.

For a term greater than two (2) years, appointments of less than two (2) years made to fill an unexpired term shall not be considered as a full term. Appointments of two (2) years or more shall be considered a full term.

Members shall continue to serve after the expiration of their term until a new appointment or reappointment is made, or the member resigns in writing.

## **ATTENDANCE POLICY**

All board, commission and committee members shall attend at least seventy-five percent (75%) of all meetings in the preceding twelve (12) month period. No differentiation is made between excused or unexcused absences of members.

## **MULTIPLE APPOINTMENTS**

No non-elected person shall be nominated or confirmed by the Board of Supervisors to serve on more than one board, committee, or commission at any one time. The

prohibition does not apply to multiple appointments created by specifying certain representative memberships, expressly created by the Board of Supervisors.

#### CONFLICT OF INTEREST

All members of boards, committees, or commissions must avoid any conflict of interest. No individual may use an official position to gain personal advantage. If a member of a board, committee, or commission concludes that they have a conflict of interest or an appearance of fairness issue with respect to a matter pending before the board, committee, or commission, they must disqualify themselves from participating in the deliberations and decision-making process for the matter under consideration. A member so disqualifying himself or herself shall have no personal presence before or direct communication with the other members regarding the matter at issue. Failure of a member to disclose that he or she has a conflict of interest on a matter under consideration by the particular board, committee, or commission may be cause for removal from the board, committee, or commission.

A member convicted of a felony, domestic violence or gross misdemeanor involving moral turpitude shall resign from the board, committee or commission within 30 days of the conviction.

#### PUBLIC PROCESS (OPEN MEETING LAW)

In enacting NRS 241, the Nevada Legislature found and declared that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that public body actions be taken openly and that their deliberations be conducted openly. Generally a public body means any administrative, advisory, executive or legislative body of a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof.

It is the responsibility of every member of a board, committee, or commission to understand the requirements of the Open Meeting Law and to assure that they individually and the board, committee, or commission as a whole operates within the letter and spirit of the law. The City, through the District Attorney's Office, provides annual training on the Open Meeting Law and the Nevada Ethics requirements to assist the members of a board, commission, or committee in understanding the requirements of the law. Additionally, the District Attorney, on his or her own, or at the request of the committee chair may provide a short course on the Open Meeting Law at any scheduled meeting of the board, commission, or committee. Chair persons are encouraged to request a presentation on the Open Meeting Law at least annually or more often if the circumstances warrant (e.g. turnover in members). Members are required to attend either the annual training course or the short course at the committee level within twelve (12) months of appointment.

## LOBBYING

Unless expressly authorized by the Board of Supervisors, no board, commission, or committee, or any member of a board, commission or committee shall engage in lobbying on legislative or political matters on behalf of the board, commission or committee of Carson City. Nothing in this policy precludes individual appointees from lobbying or providing information as a private citizen provided the appointee specifically clarifies that while he or she holds an appointed position, the appointee is acting in a private capacity and not in his or her capacity as an appointed member of a board, commission, or committee or on behalf of the City. In that regard, individual appointees should refrain from lobbying as a private citizen in a way that implies authority to speak on behalf of the City or the public body to which they are appointed.

## REMOVAL OF MEMBERS

Except as otherwise limited by applicable law or ordinance, the Board of Supervisors may, by majority vote, remove any of the appointed members of a City board, commission, or committee for cause based on the Board of Supervisor's reasonable discretion. Members removed by the Board shall be so notified. If the member was appointed by and represents another organization or government jurisdiction, the agency shall be notified of the Board's desire that the member be lawfully removed.

## ASSIGNMENT OF STAFF SUPPORT

Carson City has a number of established boards, committees, and commissions that are assigned to City departments. When boards, committees or commissions deal primarily with issues of a single department, they are typically assigned to that department for staff support. These boards, committees, and commissions are listed in Appendix B. Elected executive officials and department directors are responsible to provide liaison, leadership, facilitation, and/or administrative support to the boards, committees, and commissions assigned to them.

## OPERATION PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES

### *Organization*

Except as otherwise provided by law, ordinance or resolution, there shall be an annual election of a chairperson and vice-chairperson held by all boards, committees, and commissions created by the Board of Supervisors. The Chairperson is the hub of the committee process and is key to the operation and effectiveness of the board, committee or commission. The chairperson must make every attempt to run the meeting by the rules of procedure while at the same time ensuring that a fair democratic process is provided to all members of the group and to the public at large. The chairperson should take care to ensure the committee deliberations and discussion stay focused on the issue at hand. The most important part of being chairperson lies in the ability to find common ground and to achieve compromise, if appropriate. The chairperson must be able to represent the entire group to the BOS and community groups. Unless otherwise provided by law, ordinance or resolution, a Board of Supervisor member appointed to a board, committee, or commission shall not serve as chairperson or vice-chairperson.

### ***Preparation of Agendas***

Matters within the scope of the body's authority which are desired to be heard by a board, committee, or commission member, the department director, the City manager or a Board of Supervisors member shall be placed on the agenda on or before the time of agenda signing by using the appropriate board, committee, or commission agenda form and shall be attributed to the requestor.

Matters within the scope of the body's authority desired to be heard by an individual citizen or outside entity shall be submitted by said individual citizen or outside entity in the form of a letter of request to appear before the board, committee, or commission no less than fourteen (14) days prior to the next scheduled board, committee, or commission meeting. The letter should be addressed to the liaison department (See Appendix B) and should describe the item to be considered, whether it is a discussion or action item and the approximate time needed. Any supporting documents must be submitted no less than seven (7) working days prior to the meeting date. The liaison department will submit the request to the chairperson who will timely advise the liaison department whether to place the matter on the agenda or otherwise advise the requester that the chairperson will not place the matter on the agenda unless requested to do so by another member, the department director, the City manager or any member of the Board of Supervisors.

The Chairperson will work with the staff liaison to review agendas for appropriate timing and placement of items. Except as otherwise provided above, the chairperson does not have the authority to remove items from the agenda or to prevent placement of items on an agenda.

### ***Records***

Boards, committees, and commissions are covered under the public records statutes of Nevada. Procedural compliance with the law is a function of staff liaison support in most instances. However, from time to time, members of boards, committees, and commissions will receive communications regarding matters within their scope of activities. All types of communications, including email, constitute a public record and the City is obligated to retain it in accordance with guidelines and policies prescribed by law. Similarly, communications to members, to citizens, officials and staff are public records as well. Members of boards, committees, and commissions should provide a copy of all communications to their respective staff liaison for inclusion in the public record.

### ***Communication with Board of Supervisors***

Expressions of a board, committee, or commission's position, recommendation or request for any action shall be in the form of a resolution, motion or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication and shall be directed to the Board of Supervisors and the City Manager. It should be emphasized that when a member who is present at a Board of Supervisor's meeting is asked to address the Board of Supervisors on a matter, the member should take care to represent the viewpoint of the particular board, committee, or

commission as a whole and to avoid expressing his or her personal opinion unless clearly stated as such.

### ***Meeting location and Time***

The Board of Supervisors, through the City Manager, will designate meeting locations for the City's boards, committees, and commissions. To the greatest extent possible, the meetings will be held at a convenient time and at a location that has capability for televising the meeting to facilitate public participation.

### ***Compensation***

Members of boards, committees, and commissions serve without compensation unless authorized by statute, ordinance or resolution adopted by the Board of Supervisors. Members may be reimbursed for authorized travel expenses incidental to their service.

### ***Rules of Procedure (Bylaws)***

Boards, committees, and commissions operating under the auspices of the Board of Supervisors may, depending on the nature of the group, adopt rules to address procedural considerations. Such rules of procedure shall not become effective until reviewed and confirmed by the Board of Supervisors.

Every board, committee, and commission should have a set of bylaws to direct and clarify its actions, procedures and organization. Bylaws are the guidelines by which a board, committee, or commission functions internally. Each board, committee, or commission may either develop its own set of bylaws or choose to adopt the meeting guidelines outlined below as their bylaws.

According to *Robert's Rules of Order*, bylaws define the primary characteristics of an organization, prescribe how it should function, and include rules that are so important that they may not be changed without prior notice to members and a formal vote and agreement by a majority of the members appointed to the board, commission or committee. Ordinarily, bylaws may only be changed by a two-thirds majority of the members appointed to the board, commission or committee.

If a board, committee, or commission chooses to adopt its own bylaws, they will generally include a number of articles such as the following:

- Name of the board, committee, or commission
- Mission statement
- Membership
- Officers
- Meetings
- Committees, subcommittees
- Parliamentary procedure – often including the name of the manual of parliamentary procedure the board, committee, or commission will follow
- Amendment procedures for making changes in the bylaws

Bylaws should include expectations as well as guidelines for members. Issues such as attendance, responsibilities, and discipline should be addressed in the bylaws. Board, committee, and commission members are expected to adhere to bylaws and all relevant statutes.

### *Meeting Guidelines*

#### **Quorum Required**

In the absence of any super majority required by law or ordinance, a quorum consisting of at least fifty one percent (51%) of the board, committee, or commission is required to have a meeting and transact any business. The quorum requirement protects against unrepresentative deliberations or actions by a small number of individuals. In some cases, the governing law or document will establish what the quorum will be.

The law does not expressly address what to do in circumstances when a noticed meeting fails to obtain or retain a quorum at or during the scheduled meeting time, therefore it is the policy of the City that:

**When No Quorum Is Possible.** If the chairperson or liaison department staff is aware that a quorum will not be present at any time during the scheduled public meeting, then the meeting shall be cancelled. When possible it shall be cancelled by providing email notice to any applicable notification list and posting the cancellation notice at the door of the noticed meeting location.

**If There Will Be a Late Quorum.** If it is reasonably believed that one or more members will arrive late to complete the quorum, the meeting may begin at its scheduled time, but the chair may call for only non-action informational agenda items and public comment to be heard by the public body until a quorum is present. At any time after call to order and roll call, the chairperson may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely appear.

**If There Is a Loss of Quorum.** If for any reason during a public meeting that has been convened the public body loses its quorum, the chairperson may call for only non-action informational agenda items and public comment to be heard until a quorum is present. At any time after losing a quorum, the chairperson may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely reappear.

#### **Officers and Minutes**

Unless otherwise provided by law, ordinance or resolution, at the first meeting of each calendar year, the board, committee, or commission shall pursuant to a noticed agenda item elect a chairperson who shall preside at meetings. The board, committee, or commission shall then choose a vice-chairperson. The vice-chairperson shall preside in the absence of the chairperson. All meetings must be recorded on an electronic media that can be copied and written minutes of all

meetings shall be forwarded to the assigned City department, City Manager and Board of Supervisors consistent with the Open Meeting Law.

### **Terms for Chairperson**

Unless otherwise provided by law, ordinance or resolution, a member may only serve as chairperson for two consecutive years. A member who served as chairperson will qualify to be nominated for chairperson provided that two or more years have passed since the member last served as chairperson.

### ***Legal Counsel***

The District Attorney's Office serves as legal counsel to the boards, committees, and commissions created by the Board of Supervisors and for those where state statute identifies the District Attorney as legal counsel. The District Attorney advises and represents the City departments and employees as they fulfill their official duties, expresses legal opinions, and defends city officials and employees for actions performed in good faith in their official capacities.

The District Attorney can provide valuable information and advice regarding statutes, ordinances and legal issues. A board, committee, or commission that follows the advice of the District Attorney increases its defenses from liability and is more likely to avoid legal problems. Members may request the following kinds of information from the District Attorney:

- Assurance that the board, committee, or commission's decisions and actions fall within statutory authority.
- Input about conflicts of interest.
- Input about compliance with the Nevada Open Meeting Law requirements.

Requests for formal legal opinions must be directed through the appropriate department director for review and to the City Manager or appropriate elected official for approval prior to sending the request to the District Attorney's Office.

### ***Staff Liaisons***

As liaisons to boards, committees, and commissions, City staff members provide a variety of professional assistance and administrative functions; these include preparing and distributing meeting notices, record keeping, providing professional guidance and analysis, and serving as the communication link between boards, committees, and commissions or counsel. Staff liaisons will consult with board, committee, or commission chairperson on the preparation of agendas.

The liaisons are staff professionals with significant responsibilities in addition to their liaison activities. The liaison role is one of communications to assist boards, committees, and commissions in their work. It is important for the orderly working of the City to be sensitive to the fact that they are not "committee staff" and do not work "for" or "at the direction" of a board, committee, or commission. They are professionals who work to develop information and recommendations for consideration by the Board of Supervisors.

### ***Staff Reports to Board of Supervisors***

There will be occasions when the City staff will be required to prepare an agenda report on a board, committee, or commission action or appeal for the Board of Supervisors' review. In preparation of such a report, the staff member should present both the staff position and the board, committee, or commission's position. The position of members not voting in the majority on an item should also be presented in the staff report if so requested by the member.

## **PROCEDURE FOR ESTABLISHING A NEW BOARD, COMMITTEE OR COMMISSION**

New boards, committees, and commissions may be established in two ways:

### ***By Proposal of Citizens or City Departments***

With the consent of the City Manager, citizen or City department, proposals for establishing new boards, committees, and commissions will be submitted to the Board of Supervisors for consideration. If approved, the originating department will prepare a resolution establishing the new board, committee, or commission, including the purpose and duration of the board, commission or committee and submit it to the Board of Supervisors for approval. Upon approval, the originating department will work with the City Manager's office to prepare application forms and advertise for applicants for the new board, committee, or commission.

### ***By Board of Supervisors' Action***

The Board of Supervisors may propose the formation of a new board, committee, or commission and assign it to a department. The assigned department will assist in the preparation of applications and advertising as described above.

## Appendix A - Types of Committees

### Advisory

Advisory Board to Manage Wildlife	Standing	City
Carson City Audit Committee	Standing	City
Carson City Building Permit Enterprise Fund Advisory Committee	Interim	City
Carson City Charter Review Committee	Standing	City
Carson City Cultural Commission	Standing	City
Carson City Debt Management Commission	Standing	City
Carson City Open Space Advisory Committee	Standing	City
Carson City Parks and Recreation Commission	Standing	City
Carson City Redevelopment Authority Citizens Committee	Standing	RDA
Carson City Shade Tree Council	Standing	City
Carson City Television Commission	Standing	City
Carson Nugget Development Advisory Committee	Interim	City
Carson River Advisory Committee	Standing	City
Local Emergency Planning Committee	Standing	City

### Legislative\*

Carson City Airport Authority	Standing	City
Carson City Board of Supervisors	Standing	Electorate
Carson City Liquor and Entertainment Board	Standing	State
Carson City Redevelopment Authority	Standing	City
Carson City Regional Transportation Commission	Standing	City
Carson Water Sub Conservancy District	Standing	State

### Regulatory\*

9-1-1 Surcharge Advisory Committee	Standing	City
Carson City Board of Appeals (Building Code)	Standing	City
Carson Area Metropolitan Planning Organization	Standing	City/Federal
Carson City Board of Equalization	Standing	City
Carson City Board of Health	Standing	City
Carson City Convention and Visitors Bureau	Standing	City
Carson City Historic Resources Commission	Standing	City
Carson City Library Board of Trustees	Standing	City
Carson City Planning Commission	Standing	City
Carson City Stormwater Appeal Board	Standing	City

## Member\*\*

Carson City Municipal Golf Course	Standing	Other
Carson City Senior Center Advisory Committee	Standing	Other
Land Use Planning Advisory Council	Standing	Other
Nevada Association of Counties (NACO)	Standing	Other
Nevada Commission on the V&T	Standing	Other
Nevada Tahoe Conservation District	Standing	Other
Tahoe Regional Planning Agency Governing Board	Standing	Other
Tahoe Regional Planning Agency Advisory Planning Commission	Standing	Other
Tahoe Transportation Commission	Standing	Other
Tahoe Transportation District	Standing	Other
Western Nevada Development District	Standing	Other
Western Nevada Home Consortium	Standing	Other
Western Nevada Resource Conservation District	Standing	Other

\*- Some may be both Legislative and Regulatory

\*\*- Not all are Public Bodies

## Appendix B - Department Assignments

<b>Board, Committee, or Commission</b>	<b>Department</b>
9-1-1 Surcharge Advisory Committee	Fire
Advisory Board to Manage Wildlife	Clerk/Recorder
Carson Area Metropolitan Planning Organization	Public Works /Transportation
Carson City Audit Committee	Finance
Carson City Board of Appeals (Building Code)	Public Works/Building
Carson City Board of Equalization	Assessor
Carson City Board of Health	City Manager
Carson City Board of Supervisors	City Manager
Carson City Building Permit Enterprise Fund Advisory Committee	Public Works/Building
Carson City Charter Review Committee	City Manager
Carson City Cultural Commission	Parks and Recreation
Carson City Debt Management Commission	Finance
Carson City Historic Resources Commission	Public Works/Planning
Carson City Liquor and Entertainment Board	City Manager
Carson City Open Space Advisory Committee	Parks and Recreation
Carson City Parks and Recreation Commission	Parks and Recreation
Carson City Planning Commission	Public Works/Planning
Carson City Redevelopment Authority	City Manager
Carson City Redevelopment Authority Citizens Committee	Public Works/Planning
Carson City Regional Transportation Commission	Public Works/Transportation
Carson City Shade Tree Council	Parks and Recreation
Carson City Stormwater Appeal Board	Public Works/Engineering
Carson City Television Commission	City Manager
Carson Nugget Development Advisory Committee	City Manager
Carson River Advisory Committee	Parks and Recreation
Local Emergency Planning Committee	Fire

RESOLUTION NO. 2011-RA-R-3 and 2011-R-41

A RESOLUTION AMENDING RESOLUTIONS 2003-RAR-2 AND 2003-R-37  
TO RE-ESTABLISH THE CARSON CITY REDEVELOPMENT AUTHORITY  
CITIZENS COMMITTEE AND CONTINUE THE SUSPENSION OF  
REDEVELOPMENT DISTRICT INCENTIVE PROGRAMS FOR SMALL,  
PRIVATE REDEVELOPMENT PROJECTS.

**WHEREAS**, the Carson City Board of Supervisors and Redevelopment Authority have determined that the Redevelopment Authority Citizens Committee membership should be modified to include representatives from both Redevelopment Areas 1 and 2 in order to provide recommendations on Redevelopment Authority matters from a broader segment of the Redevelopment District; and

**WHEREAS**, the Carson City Board of Supervisors and Redevelopment Authority have determined that incentive programs for small, private redevelopment projects are no longer necessary or financially sustainable; and

**NOW, THEREFORE**, the Carson City Redevelopment Authority and Board of Supervisors do hereby RESOLVE to amend the membership of the Redevelopment Authority Citizens Committee to include the following seven members:

- 1) A member of the Redevelopment Authority appointed by the Redevelopment Authority, who may or may not be the Redevelopment Authority Chair.
- 2) Two members who must be business operators or property owners from Redevelopment Area 1.
- 3) Two members who must be business operators or property owners from Redevelopment Area 2.
- 4) Two citizens-at-large appointed by the Redevelopment Authority who may or may not have property or business interests within the Redevelopment District and who may be widely skilled in professional categories such as architecture, urban planning, engineering, construction management, general contracting, historic preservation, residential or commercial development, real estate transactions, brokerage and property management, retail, entertainment and cinema, tourism, economic development, business ownership, startup and management, transit, cultural facilities, housing, economics and finance, education, technology, marketing, or law.

The Redevelopment Authority Citizens Committee is re-established by this Resolution to make recommendations to the Redevelopment Authority on Redevelopment Area Plans, incentive programs, special event funding, and other matters pertaining to the Redevelopment District and within the authority of the Redevelopment Authority. The Redevelopment Authority Citizens Committee is subject to the Nevada Open Meeting Law.

The Carson City Redevelopment Authority and Board of Supervisors further RESOLVE that every member of the Committee shall be appointed for a three-year term which shall expire on January 1, or until a replacement is appointed. Appointments to the Committee will be made on a staggered-year basis. Except for the Redevelopment Authority member, Committee members may only serve two full three-year terms on the Committee, after which the member may not serve on the Committee for one year before being considered eligible for reappointment. Notwithstanding these term limits, an incumbent may be reappointed to the Committee if the position remains vacant for more than 60 days after the term expires. Term limits begin upon the adoption of this Resolution.

The existing Redevelopment Authority Citizens Committee members shall continue to serve until the Board of Supervisors appoints the new members pursuant to this Resolution.

The Carson City Redevelopment Authority and Board of Supervisors further RESOLVE to continue the indefinite suspension of the Redevelopment District Incentive Program for small, private redevelopment projects as adopted in Resolution 2010-RAR-3.

Upon motion by Member Robert Crowell, seconded by Vice Chairperson Karen Abowd, the foregoing Resolution was passed and adopted this 1<sup>st</sup> day of December, 2011, by the following vote:

AYES: Member Robert Crowell  
Vice Chairperson Karen Abowd  
Member John McKenna  
Member Molly Walt  
Chairperson Shelly Aldean

NAYS: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Shelly Aldean, Chair  
Redevelopment Authority

ATTEST

  
\_\_\_\_\_  
Alan Glover, Clerk - Recorder  
Carson City, Nevada

Upon motion by Supervisor Karen Abowd, seconded by Supervisor Shelly Aldean, the foregoing Resolution was passed and adopted this 1<sup>st</sup> day of December, 2011, by the following vote:

AYES: Supervisor Karen Abowd  
Supervisor Shelly Aldean  
Supervisor John McKenna  
Supervisor Molly Walt  
Mayor Robert Crowell

NAYS: None

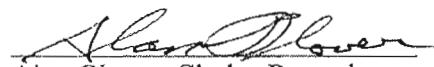
ABSENT: None

ABSTAIN: None



Robert Crowell  
Mayor, Carson City

ATTEST



Alan Glover, Clerk - Recorder  
Carson City, Nevada