A regular session of the Carson City Board of Supervisors was held on Thursday, November 7, 1991 at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

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| **PRESENT:** | Marv Teixeira | Mayor |
| | Tom Fettic | Supervisor, Ward 2 |
| | Greg Smith | Supervisor, Ward 1 |
| | Tom Tatro | Supervisor, Ward 3 |
| | Kay Bennett | Supervisor, Ward 4 |
| **STAFF PRESENT:** | John Berkich | City Manager |
| | Kiyoshi Nishikawa | Clerk-Recorder |
| | Paul McGrath | Sheriff |
| | Judie Fisher | Personnel Director |
| | Dan O'Brien | Public Works Director |
| | Basil "Butch" Moreto | Purchasing Agent |
| | Charles P. Cockerill | Chief Deputy District Attorney |
| | John Iratcabal | Purchasing Assistant |
| | Bill Barker | Street Superintendent |
| | Don Davis | Fleet Manager |
| | Katherine McLaughlin | Recording Secretary |
| | (B.O.S. 11/7/91 Tape 1-0005) | |

**NOTE:** Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. Rev. Tom Hutson gave the Invocation. Supervisor Fettic led the Pledge. Roll call was taken. The entire Board was present constituting a quorum.

**APPROVAL OF MINUTES - September 5, 1991, and after 11 a.m. on October 17, 1991** - Supervisor Smith moved to approve both sets of Minutes. Supervisor Bennett seconded the motion. Discussion noted that the August 27th Minutes had been approved at the previous meeting. Motion carried 5-0.

**1.** SPECIAL PRESENTATIONS (1-0055)

**A. PERSONNEL MANAGER - Judie Fisher - ACTION ON RETIREMENT RESOLUTION COMMENDING FRED RICHARDS** - Mayor Teixeira commended Mr. Richards on his dedication and wished him well in his retirement. Mr. Richards responded by thanking the City and Board for the opportunity to serve the community and introduced his family. Supervisor Smith moved that the Board adopt Resolution 1991-R-56, A RESOLUTION COMMENDING RETIREMENT of Fred Richards, read the Resolution into the record and corrected the typographical error on his beginning employment date. Supervisor Fettic seconded the motion. Motion carried 5-0.

**B. PUBLIC WORKS DIRECTOR - PRESENTATION OF THE PETER M. WALSH AWARD TO DON DAVIS, FLEET MANAGER, CARSON CITY PUBLIC WORKS DEPARTMENT** (1-0181) - City Manager Berkich introduced the item and commended Mr. Davis on his accomplishment. He then introduced Maintenance Superintendents Association President Jim Berryhill. Mr. Berryhill, Streets and Facilities Manager for Palm Springs and current President of the Executive Board of Directors for the Maintenance Superintendents Association, explained the organization, selection of Don Davis as this year's recipient for the Peter M. Walsh Award, acknowledged other local Maintenance Superintendent Association Members, and read the proclamation into the record. Mr. Davis accepted the award. Mayor Teixeira commended Mr. Davis on his accomplishment. No formal action was required or taken by the Board.

**AGENDA MODIFICATIONS** (1-0375) - Items 4. Community Development Director - Ordinance - First Reading - Action on an Ordinance Amending Title 15 of the Building Code Changing the Composition of the Appeals Board; 9. B. District Attorney - Action on Approval of the Settlement Agreement Resolving All Issues of the Lawsuit Brought by American General Development Company, and 10. A. Clerk-Recorder - Action on Appointment of a Guardian for Andrew Cleeland had been pulled.

**2. LIBRARY DIRECTOR - Sally Herman - ACTION TO CONFIRM APPOINTMENT OF RICHARD MORENO TO THE LIBRARY BOARD OF TRUSTEES** (1-0) - Ms. Herman introduced Richard Moreno and explained the Trustees' nomination. Mr. Moreno explained his reasons for applying. Supervisor Fettic moved that the Board approve the Library Board's recommendation to appoint Richard F. Moreno to the Library Board of Trustees to complete Jean Bundy's term. Supervisor Tatro seconded the motion. Supervisor Bennett commended Mr. Moreno for his willingness to become involved. Motion carried 5-0. Mayor Teixeira commended him on his tourist activities.

Ms. Herman then announced that the Trustees had voted on the proposal to change the Ormsby Public Library's name to Carson City Public Library, which will be effective on January 1, 1992. The Board of Trustees will have a new sign installed at Roop and Washington. No Board action was taken on this matter.

**COMMUNICATIONS/ISSUES REGARDING OTHER ENTITIES - HOSPITAL, SCHOOLS, BOARDS, COMMITTEES, COMMISSIONS, AGENCIES, ETC.**

**3. SENIOR CITIZENS CENTER - Pat Blake, Director - ACTION ON MEMORANDUM OF UNDERSTANDING BETWEEN CARSON CITY AND CARSON CITY SENIOR CITIZENS CENTER, INC.** (1-0575) - Ms. Blake explained the reasons for needing a formal agreement. Clarification noted that staff had reviewed the agreement. Mr. Berkich commended Mr. Sorenson and Mr. Sheerin on their efforts. Supervisor Bennett moved that the Board approve the Memorandum of Understanding between Carson City and Carson City Senior Citizens Center, Inc. Supervisor Tatro seconded the motion. Motion carried 5-0.

Discussion ensued among the Board, Ms. Blake, and Mr. Berkich on the Senior Citizens Programs, funding mechanisms, social services, a new adult day care service, utilization of the facilities by the public, transportation services, and the value of her volunteers. Mayor Teixeira commended her on these activities.

**CITIZEN COMMENTS** (1-1285) - May Ruth French thanked Mayor Teixeira for asking her to serve on the Charter Review Commission. She then explained her involvement with Assemblyman Joe Elliot and her research for him on the public's ability to utilize the Senior Center van for transportation. This service is provided as available space allows. The cost is pro rated according to income.

**5. JUSTICE COURT - City Manager Berkich - ACTION ON ESTABLISHING PER DIEM SALARY FOR JUSTICE OF THE PEACE/MUNICIPAL COURT JUDGE TEMPORES** (1-1350) - Supervisor Smith moved that the Board approve a per diem salary established for Justice of the Peace/Municipal Court Judge Pro Tems in an amount of $150 per day or $75 for one-half a day, fiscal impact not to exceed $5,000. Supervisor Fettic seconded the motion. Motion carried 5-0.

**6. PURCHASING AGENT** - Basil Moreto and Assistant Purchasing Agent John Iratcabal. Mr. Berkich introduced Basil "Butch" Moreto, the new Purchasing Agent. Mayor Teixeira welcomed him. Mr. Moreto jointed the staff one week ago. His previous experience was noted.

**A. ACTION ON AWARD OF CONTRACT 9192-40 - TV INSPECTION SYSTEM** (1-1490) - Utility Manager Dorothy Timian-Palmer explained the purpose of the camera and the policy to assess the developers for its usage. Supervisor Fettic moved that the Board accept the Assistant Purchasing Agent's recommendation and award Contract 9091-40 to 3T Equipment Company, Petaluma, California, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of $79,000, funding source 570-3202. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B. ACTION ON AWARD OF CONTRACT 9192-41 - SEWERLINE RODDER** (1-1675) - Supervisor Bennett moved that the Board accept the Purchasing Agent's recommendation and award Contract 9192-41 to Bidder No. 1, 3T Equipment Company, P. O. Box 750068, Petaluma, California, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of $36,785 (1992 Ford $42,285 less $5,500 trade-in allowance), funding source is 555103202. Supervisor Smith seconded the motion. Discussion noted the appropriation of $30,000 for this equipment and the bid. The motion to award the bid to 3T Equipment carried 5-0.

**C. ACTION ON AWARD OF CONTRACT 9192-42 - TRAILER MOUNTED POWER PLANT** (1-1745) - Mayor Teixeira clarified his remarks on the appropriation and bids as being for this equipment and not the previous item. Sewer Utility Supervisor John Hastie, Supervisor Tatro, and Public Works Director Dan O'Brien explained the difference between bids, estimates, and budget requests. Discussion ensued with Richard Waiton and May Ruth French on the purpose of the generator, its location, and her desire to utilize a portable generator which the City currently has.

Ms. Timian-Palmer justified the reasons for requesting this type of portable generator. Supervisor Bennett then moved that the Board accept the Purchasing Agent's recommendation to award Contract No. 9192-42 to Bidder No. 5, Nevada Generator Systems, Inc., 639 South 15th Street, Sparks, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of $16,185, funding source is 510-3201. Supervisor Smith seconded the motion. Motion carried 5-0.

**D. ACTION ON AWARD OF CONTRACT 9192-50 - SKI PROGRAM BUS TRANSPORTATION** (1-2070) - Mr. Iratcabal explained the Board's direction at its last meeting on this matter. The School District's bid was more than Sierra Nevada Stage Line's due to the insurance costs. Discussion ensued among the Board and Parks and Recreation Director Steve Kastens on the insurance requirements for providing "public transportation." Mayor Teixeira requested the record reflect the School District's attempt to work with the City and provide the service. Supervisor Bennett acknowledged the Mayor's disappointment and moved that the Board accept the Purchasing Agent's recommendation and award Contract 9192-50 to Bidder No. 1, Sierra Nevada Stage Inc., 2570 Tacchino Street in Reno as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 and authorize the Mayor to execute same, in the amount of $383.40 per bus reduced from the original bid of $426. Supervisor Smith seconded the motion. Discussion ensued on the Contract number. Motion to award the bid as indicated was voted and carried 5-0.

BREAK: At 10:10 a.m., a ten-minute recess was declared. When the meeting reconvened at 10:20 a.m., the entire Board was present constituting a quorum.

**7. SHERIFF - Paul McGrath**

**A. QUARTERLY REPORT ON FORFEITED PROPERTY ON RELATED PROCEEDS (NRS 179.119)** (1-2255) - Discussion ensued among the Sheriff and Board on the cost of the checks. No formal action was required or taken by the Board.

**B. ACTION ON APPROVAL OF SEXUAL ASSAULT PREVENTION AND TRAINING PROGRAM** (1-2307) - Clarification indicated this State grant was a new program and would be used to support current programs. Supervisor Fettic moved that the Board approve the contract with the Department of Human Resources, State of Nevada, to provide sexual assault prevention-intervention funds in the amount of $10,000. Supervisor Bennett seconded the motion. Motion carried 5-0.

**C. ACTION ON APPROVAL OF TWO DEPUTY SHERIFFS POSITIONS FOR THE ACCIDENT PREVENTION PROGRAM** (1-2362) - Following Sheriff McGrath's introduction, Carl Hammer emphatically expressed his opposition to the speed trap program. He felt that the Sheriff could better utilize these funds and personnel for gang suppression. Only when gang-related activities have been addressed was he willing to consider the traffic program. (1-2534) May Ruth French opposed the program due to the gang problem. She felt the funds could be used to light the parks and eliminate the drug problem currently found there. Signs should be posted at the parks closing them at sundown. Sheriff McGrath explained that there are six patrol officers. Ms. French felt that there were natural speed traps located throughout the City and that current laws needed to be enforced. (1-2695) Deputy Sheriffs Protective Association President Dan Holub explained his support for the program. The traffic unit would relieve other patrol officers from traffic enforcement. This would allow these officers to spend more time on crime intervention programs. An officer's dedicated time for traffic matters was noted. He acknowledged the one gang-related death, however, stressed that there had been ten DUI-related deaths during the last calendar year. (1-2870) Mary Elbert questioned the utilization of Sheriff's Deputies to serve civil papers, need for four officers at an accident scene, delay in responding to calls, and reasons why the City was being charged with accidents on State highways. (1-2942) Lois Hill expressed her feeling that the traffic problems needed to be addressed and urged the Board to approve the program. Her letter to the Editor had been cut when placed in the Nevada Appeal. This portion was read to the Board and concerned her feeling that additional traffic signals and deputies were needed rather than an Events Center. She felt the Board Members were remiss in their duties and only listening to a few. Supervisor Fettic explained that attempts were being made to get the State motivated on the left turn signals. (2-0038) Richard Waiton explained that Carson Street is a State maintained highway. He then questioned Sheriff McGrath on the annual cost of the two deputies, whether the two could address the citywide traffic problems, and suggested that a six-month trial period be utilized to determine the effect. He then elaborated on his reasons for feeling that the City needed the traffic enforcement division. (2-0120) Mayor Teixeira then took Sheriff McGrath to task over a news article on the amount of funding which the Board had allocated for his Department and the traffic accidents occurring in Carson City. The most effecting methods utilized to curb gang-related problems begin at a young age and do not require additional officers. The Residential Construction Tax funds were utilized for the model aircraft runway and the Events Center. Sheriff McGrath felt this was an example of the Board's ability to be flexible with funds, e.g., diversion of golf course funds to the Events Center. This same flexibility was available in the General Fund and should be utilized for the Sheriff's Programs. Mayor Teixeira explained that the funding flexibility had been within the legal parameters of the room tax funding purposes. The City's record on growth management, personnel increases since 1988, personnel layoffs in other areas, 1991 funding for Sheriff projects, and the Board's sensitivity toward the City's safety issues were noted. Sheriff McGrath responded by expressing his appreciation for the Board's previous financial support, however, the present need had reached the point where additional support was warranted. He expressed his intent to have a second article reflect this appreciation. Mayor Teixeira then explained his reasons for feeling that the original $200,000 program had been too aggressive and his current support for the modified proposal under discussion. He felt strongly about having the $32,000 from another source other than the General Fund. He would support the program so long as the District Attorney and Justice Court did not oppose the program and it did create an undue burden on them. As $32,000 would only require one ticket every three hours, he felt the program could support itself without being considered a revenue generator. He would oppose transferring these individuals to any other division. Areas needing assistance were cited. District Attorney Noel Waters explained his and Justice of the Peace Robey Willis' support for the program even though it would impact both as well as the District Court. Traffic court procedures were outlined. Their staffing needs were pointed out. He would return in January and attempt to obtain these individuals. (2-0831) Mr. Berkich explained his contact with Judge Willis supported Mr. Waters' statements. Supervisor Smith supported Mayor Teixeira's comments and acknowledged Mr. Waters and Judge Willis' willingness to support the program in spite of the increased workload. The need to develop a "creative financial plan" for the positions was pointed out. He suggested that the positions be held in abeyance until after the SCCRT financial picture is established. Approving the program at this time would be piecemealing. He felt that the program should not be considered a revenue source and funding from other mechanisms should be utilized. Sheriff McGrath agreed that the two deputies would be assigned primarily to traffic enforcement during his term. Supervisor Fettic expressed his feeling that the City had a traffic problem and should be addressed. He felt that if two traffic officers are added to the staff, it would relieve others for preventive enforcement activities. Sheriff McGrath explained his concept of having the officers handle accidents and enforcement, the "theme car", and time dedicated to processing an accident. Supervisor Bennett expressed her feeling that the City not only had a traffic enforcement problem but also had a traffic engineering problem. She felt that the proposal only addressed part of the situation and noted the budget constraints. She was unwilling to support the program until both these issues as well as the District Attorney's and Justice Court's needs are evaluated. She urged the Board to delay action until after the first of January. Sheriff McGrath then explained his reasons for seeking Board direction at this time and having the program commence January 1, 1992, and pointed out the grants he has obtained. These monies went into the General Fund and were not included in the budget as a revenue source. Discussion noted previous utilization of Federal grants for traffic enforcement overtime and the fluctuation in traffic citations when these funds were not available. (2-1470) Supervisor Bennett pointed out Nevada Highway Patrol Colonel Yukish's correspondence. (The Board members had a copy but the Clerk did not.) She also pointed out the Highway Patrol's role in the issue and desire to include them in the discussion. Discussion ensued on whether the request and the grant should be postponed until January 1. Supervisor Tatro suggested overtime funding be utilized for the Sheriff's current personnel and a trial period be conducted. If this program is successful, then Sheriff McGrath should seek Board support. Sheriff McGrath did not feel that this would be successful as officers no longer wish to work overtime. Supervisor Tatro felt that the Association would support his proposal. Supervisor Fettic explained his support for the concept. **Supervisor Bennett moved that the Board postpone the funding of two Deputy Sheriffs for traffic enforcement and accident prevention until after January 1992 at which time we have a better understanding of the SCCRT funding source which is available to the General Budget and until**

**such time as the Board can consider a traffic enforcement program and traffic engineering program as a whole package and move forward to deal with a very important problem which is traffic enforcement in the City. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Fettic - No; Bennett - Yes; Tatro - No; Smith - No; and Mayor Teixeira - No. Motion failed 2-3.**

**Mayor Teixeira then passed the gavel to Mayor Pro-Tem Fettic and moved that the Board allow the Sheriff to hire two additional Deputies based on the input from the District Attorney's office and from the Justice Court, that these individuals not be funded with any General Fund monies, that these positions have to be accountable to traffic enforcement totally, that any movement of these positions in future dates come back for General Fund appropriation and not automatically be given General Fund appropriation, that these two officers run on a revenue neutral position, and that there will be accountability on what in fact the program of this "two man parking enforcement team" is doing to benefit the community** -- Sheriff McGrath interrupted by pointing out that these were not parking enforcement officers. **Mayor Teixeira then corrected his motion to be for "two man traffic enforcement team."** Clarification indicated that all of the Sheriff's budget is from the General Fund except the grant monies. **Mayor Teixeira then clarified his motion to show that the revenue stream created by these positions will pay for the program and that the City Manager would be responsible for identifying these funds for six months. Further clarification indicated that these positions would be temporary for a six-month period.** Mayor Teixeira explained his reasons for the motion, including previous funding, additional funding needs, and desire to make the positions accountable for their revenue stream. He felt that the impact on other agencies would occur, however, in view of their support, he could not deny the request. Further clarification indicated the positions were to be temporary -- for the period January 1, 1992, through June 30, 1992, and were to be returned to the Board for funding beyond that period. It could be included in the budget for fiscal year 92-93 if the revenue stream justifies it. This had the appearance of establishing a quota for tickets, however, Mayor Teixeira felt it was the only method under which he could support adding personnel in view of the hold the line budget for 1991-92. **Supervisor Smith seconded the motion.** Discussion ensued on the method of accounting for the revenue stream. Supervisor Bennett felt that this would establish a dangerous precedence and urged the Board to evaluate all of the traffic safety issues with appropriate resources after the first of January. She also felt that the grant could be extended if proper justification is provided. The pros and cons of the issue were discussed at length. Supervisor Tatro felt that this proposal was similar to the one made to the Health Department for its increase in personnel based on the users' desire to have increased health inspections and programs. Sheriff McGrath reminded the Board that the goal of the program was to reduce traffic accidents. Supervisor Tatro pointed out that by bringing the matter back to the Board at the end of June, the 92-93 budget would have been addressed and not have included this personnel. He felt the issue should be finalized in May. Supervisor Smith reiterated his desire to consider all of the issues, however, was willing to accept a trial period. Discussion indicated that the Sheriff could fill the position on a temporary basis. Sheriff McGrath then explained that he could provide statistics on the number of citations issued, however, the ultimate fine/revenue was controlled by Justice Court which he could not track. Mayor Teixeira felt that the community would benefit from the program, otherwise it should be abandoned. Supervisor Bennett continued to express her feeling that this was a bandaid approach and urged the Board to address the other issues as well.

(2-2690) May Ruth French felt that the emphasis would be placed on making the program a revenue generator and justify continuance. She felt that the program started when the theme car was originally discussed. She urged the Sheriff to limit the number of patrolpersons responding to an accident. Mayor Pro-Tem Fettic ruled that the Board was not considering the Sheriff's administrative procedures. Sheriff McGrath explained that he had already received the Federal grant for this program and reasons for needing authorizing before January 1. Ms. French urged the Board to delay the matter until funding is available and then approve the program.

(2-2831) Steffy Branstetter suggested that the traffic signals be synchronized. Mayor Pro-Tem Fettic explained that this program will be accomplished next year. Ms. Branstetter then explained another area where the speed limits needed to be evaluated and that additional left turn lanes were warranted on 395.

Supervisor Bennett again urged Mayor Teixeira to amend his motion to include assessment after the first of the year of the entire traffic enforcement/traffic program. Mayor Pro-Tem Fettic ruled that this issue had not been agendized. Mayor Teixeira did not change his motion. Supervisor Bennett continued to stress her desire to amend the motion. Mr. Cockerill's comments supported Mayor Pro-Tem Fettic's ruling.

The motion to authorize the temporary hiring of two deputies for traffic enforcement, requiring a financial report on the program, and evaluation of its continuation in the normal budget process was voted by roll call with the following result: Bennett - No; Tatro - Yes; Smith - Yes, due to his desire to give it a shot; Teixeira - Yes; and Mayor Pro-Tem Fettic - Yes. Motion carried 4-1. Mayor Pro-Tem Fettic returned the gavel to Mayor Teixeira. Supervisor Bennett expressed a desire to have her concerns agendized.

**D. ACTION APPROVAL TO RESURFACE THE PARKING LOT AT THE SHERIFF'S DEPARTMENT** (3-0035) - Discussion noted that the tanks were being replaced and the resurfacing would be required for it. Supervisor Fettic moved that the Board approve the resurfacing of the parking lot at the Sheriff's Department for a fiscal impact of $9,000, funding source is the General Fund Contingency. Supervisor Bennett seconded the motion. Clarification indicated the old tanks were being replaced with above ground tanks. Motion to approve the resurfacing carried 5-0.

**9. DISTRICT ATTORNEY - Noel Waters**

**A. ACTION ON BUDGET AUGMENTATION TO RETAIN DISTRICT ATTORNEY INVESTIGATOR** (3-0095) - Discussion ensued concerning the SIIS training program, Federal reimbursement for the child support portion of the duties, potential impact on incentive payments, various funding alternatives -- utilization of a City vehicle without special equipment and part-time employment, State funding for the position/equipment, benefits of the program, and the position's classification. Supervisor Bennett moved that Board approve a budget augmentation for the District Attorney's investigator to retain employee John Warne after expiration of the SIIS retraining period ending November 22, 1991, fiscal impact $16,401, until such time as the Board can after the first of the year re-evaluate the position and perhaps augment the position as the resources become available. Clarification by Supervisor Bennett agreed that this would be a temporary position. Supervisor Smith seconded the motion. Following discussion, Supervisor Bennett amended her motion to include an additional $2400 for equipment and that the total salary was to be $18,850, which includes the salary and necessary equipment for Mr. Warne to perform his job. Supervisor Smith continued his second. Motion was voted by roll call with the following result: Tatro - Yes; Fettic - Yes; Bennett - Yes; Smith - Yes; and Mayor Teixeira - You understand where I am, its the General Fund, and I have to vote against it -- No. Motion carried 4-1.

**C. ORDINANCES - FIRST READING - Chief Deputy District Attorney Charles P. Cockerill**

**i. ACTION ON AN ORDINANCE ADDING SECTION 11.25 TO TITLE 11, STREETS AND HIGHWAYS, REQUIRING CONSENT OF THE VOTERS PRIOR TO INSTALLATION OF RAILROAD TRACKS IN CARSON CITY** (3-0565) - Supervisor Tatro moved to introduce on first reading Bill No. 158, AN ORDINANCE ADDING SECTION 11.25 TO TITLE 11, STREETS AND HIGHWAYS, REQUIRING CONSENT OF THE VOTERS PRIOR TO INSTALLATION OF RAILROAD TRACKS IN CARSON CITY, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

**iii. ACTION ON AN ORDINANCE AMENDING SECTION 4.08.140 OF THE CARSON CITY MUNICIPAL CODE BY ADDING A PROVISION ALLOWING THE TOURISM AUTHORITY TO SUBPOENA BOOKS, PAPERS, AND RECORDS** (3-0605) - Discussion ensued among the Board and Mr. Cockerill concerning the reasons the Carson City Convention and Visitors Bureau felt it needed the power to subpoena these records. Supervisor Smith felt that additional discussion was warranted and advised that he would vote against the proposal based on that feeling. Supervisor Tatro moved that the Board introduce Bill 159 on first reading, AN ORDINANCE AMENDING SECTION 4.08.140 OF THE CARSON CITY MUNICIPAL CODE BY ADDING A PROVISION ALLOWING THE BOARD TO SUBPOENA BOOKS, PAPERS AND RECORDS. Supervisor Fettic seconded the motion. Motion was voted by roll call with the following result: Smith - No; Fettic - Yes; Tatro - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

BREAK: A lunch recess was taken at 12:35 p.m. When the meeting reconvened at 1:30 p.m., the entire Board was present constituting a quorum.

**10. CLERK-RECORDER - Kiyoshi Nishikawa**

**C. ACTION ON APPROVAL OF TWO SETS OF NEW DISTRICT BOUNDARIES AND RECOMMENDED BY THE SCHOOL AND HOSPITAL TRUSTEE BOARDS** (3-0765) - Clarification indicated the School Board had not approved its boundaries. Therefore, no action was taken on its District boundaries. Discussion ensued on the statutory restraints on the boundaries and that the incumbents were within their districts. Supervisor Bennett explained the Hospital Board's recommendation. Supervisor Bennett moved that the Board direct the District Attorney to draft a Resolution authorizing the revision of the new Ward Boundaries for the Carson-Tahoe Hospital Districts. Supervisor Smith seconded the motion. Motion carried 5-0.

**B. ACTION ON APPROVAL TO ADOPT PROPOSED SUPERVISORS' NEW WARD BOUNDARIES** (3-0865) - Discussion ensued among the Board and Mr. Nishikawa concerning the differences in the three proposals, deviations in populations, statutory restrictions on the population deviations and criteria considered in making boundary changes, reasons Mr. Nishikawa did not like Plan A, Supervisor Tatro's dislike for Plan B, and opposition to Plan C. The incumbents had remained in their Wards. Supervisor Tatro moved that the Board of Supervisors adopt Plan B for redistricting of the Board of Supervisors Wards. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Fettic - Yes; Tatro - No; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

**D. ACTION ON RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS AS FOLLOWS:**

**i. SHERIFF'S OFFICE 1/86 - 12/86 CASE REPORT FILES** (3-1526) - Supervisor Tatro moved that the Board adopt Resolution No. 1991-R-57, RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS for the Sheriff's Office including the 1986 Case Report Files. Supervisor Fettic seconded the motion. Motion carried 5-0.

**ii. CLERK-RECORDER'S OFFICE**

**a. 1985-COURT CASES 00001 THROUGH 02134** (3-1551) - Supervisor Tatro moved that the Board adopt Resolution No. 1991-R-58, RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS for Court Cases 00001 through 02134. Supervisor Fettic seconded the motion. Motion carried 5-0.

**b. 1977-1984 SEALED COURT JUVENILE CASES NO. 1 THROUGH 1449; 1977 - 1985 NO. 10000 THROUGH 10209; AND 1977-1986 NO. 86-10001 THROUGH 86-10212** (3-1568) - Supervisor Tatro moved that the Board adopt Resolution No. 1991-R-59, RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS of Original Sealed Juvenile Records of Court Cases 1977-1984, cases number 1 through 1449 and 1985 numbered 10000 through 10209 and 1986 numbered 86-10001 through 86-10212. Supervisor Fettic seconded the motion. Motion carried 5-0.

Discussion clarified the date for appointing the Charter Review Commissioners.

**11. TREASURER - Ted P. Thornton**

**A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BUSINESS LICENSE CODE INCLUDING CLASSIFICATIONS SECTION AND CONTRACTORS SECTION TO INCREASE RATES** (3-1605) - Following Mr. Thornton's introduction, Chamber of Commerce Representative Kevin Hawk explained the Chamber's opposition due to the rate increases based on his feeling that the City had failed to justify the need for a rate increase, the current economic conditions, and the increases in State and Federal taxes. Mayor Teixeira responded by explaining the budget revenue projections and its funding sources, the increase in sales taxes being collected in Carson City, the increase in ad valorem rates due to the electorate approved bond issues, and support for Mr. Hawk's position. He suggested the matter be deferred for a year. Supervisor Smith then moved that the Board of Supervisors reject Bill No. 160, AN ORDINANCE AMENDING SECTIONS 4.04.020, 4.04.040, 4.04.031, 4.04.050, AND 4.04.105 OF TITLE 4, INCLUDING THE CLASSIFICATIONS SECTION, EMPLOYEE FEES SECTION AND CONTRACTORS SECTION TO INCREASE RATES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett suggested the matter be postponed. Supervisor Fettic seconded the motion. Discussion clarified the motion. Supervisor Smith then withdrew his motion. Supervisor Fettic withdrew his second. Supervisor Tatro moved to table the matter indefinitely. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mayor Teixeira commended Mr. Hawk for his sponsorship of the Board meetings.

Mr. Thornton then explained that the Board's action would create a revenue shortage in its budget. A budget which had been approved long before the Legislature adopted its tax increases. He also expressed his dislike for the State's infringement on the local government's historic taxing ability. Supervisor Smith expressed his discomfort for adoption of a budget which includes increases as allowed by law prior to Board authorization of those increases. Mr. Berkich noted that the budget had included a four percent increase in rates.

**B. ACTION ON REMOVAL OF PARCEL NO. 8-192-61 FROM REAL PROPERTY TAX SALE AND REMOVAL OF 1988-89, 1989-90, 1990-91, AND 1991-92 REAL PROPERTY TAXES** (3-2050) - Supervisor Fettic moved that the Board authorize the removal of Parcel No. 8-192-61 from the real property tax sale and remove real property taxes from the tax roll as uncollectible for the tax years 1988-89, 1989-90, 1990-91, and 1991-91. Supervisor Bennett seconded the motion. Motion carried 5-0. Following clarification of the amount involved, Supervisor Fettic amended his original motion to include the total taxes to be removed from the tax rolls is in the amount of $60.15 and penalties in the amount of $29.20. Supervisor Bennett seconded the motion. Motion carried 5-0. Clarification noted that the property was removed from the tax sale in the original motion.

**C. ACTION ON ACCEPTANCE OF THE CARSON CITY TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 1991** (3-2230) - Mayor Teixeira requested the Nevada League of Cities support for polling investments with the State be discussed under the Treasurer's goals and objectives. Supervisor Bennett moved that the Board accept the Treasurer's Financial Report as submitted for the month of September 1991. Supervisor Tatro seconded the motion. Motion carried 5-0.

**D. PRESENTATION AND POSSIBLE ACTION ON BIANNUAL REPORT FROM THE CARSON CITY TREASURER**

**E. DEPARTMENTAL STATUS REPORT AND PRESENTATION OF GOALS AND OBJECTIVES** (3-2285)- Discussion ensued among the Board, Mr. Berkich, and Mr. Thornton on centralized collections, computer needs, bidding of Treasurer's Demand Bank Accounts, bank mergers, current investment practices versus Nevada League of Cities proposed utilization of the State investment program, and General Obligation debt. Supervisor Bennett directed the City Manager to report on the status of SPAN program. Board consensus directed Mr. Thornton to seek bids for the City's banking service at the current time. If the bids are not felt to be in the City's best interest, the Board could reject them. Mr. Thornton was willing to invest a small portion of funds in the State pool and would follow the track record closely. Board comments commended him on his activities. He announced his intent to not seek a fifth term. His long-term plans stressed the need to complete the SPAN program. He also urged the Board to become more active in overseeing the investment portfolio, policy, and procedures.

BREAK: A ten minute recess was taken at 3 p.m. When the meeting reconvened at 3:10 p.m., the entire Board was present constituting a quorum.

**12. CITY MANAGER REPORTS, RESOLUTIONS AND BOARD DIRECTIVES** (4-0943) - **STATUS REPORTS REGARDING:**

**A. REVIEW AND DISCUSSION ON STAFF'S REPORT REGARDING HANDLING OF THE OCTOBER 4, 1991, FAIRGROUNDS EXHIBIT HALL RENTAL** - Deputy City Manager Pat Sorenson explained his investigative report on the rental policy utilized on October 4 for Robbie Robinson's retirement party. No special favors had been granted. Employees had paid for the hall. Recommendations suggested the Parks and Recreation Commission clarify the Parks and Recreation Director's authority on fee waivers until after the event occurs. Policy has allowed some fees to be paid after the event occurs. Fees also needed to be evaluated for equipment and facilities. These matters may be addressed by the Commission on November 21. Supervisor Smith then expressed his satisfaction with the investigation and that neither the Parks Department, the Director, nor the employees had taken advantage of any amenities, courtesies, etc., that were not offered to other users. He questioned the wisdom of a policy allowing a function to occur before the fees are paid. He apologized to Parks

Employee Teresa Brown, Parks and Recreation Director Steve Kastens, and any other Parks and Recreation Employee who may have been offended by the investigation. He did not feel that his comments had been designed to hurt anyone's feelings, however, as he was on the opposite side of the fence, this was an easy conclusion to reach. If anyone took his remarks to be accusatory, he apologized for that as it had not been his intent nor his right. Mr. Sorenson's recommendations would be dealt with at the appropriate time. These matters would also be considered by the Board of Supervisors. No formal action was required or taken on this matter.

**I. COMO STREET FIRE** (4-1078) - Mr. Sorenson then explained the relocation of the residents and the apartment owner's reconstruction plans. The insurance company has settled with the owner and was settling with the residents. Mr. Berkich commended all of the volunteers and sponsors involved in the effort including Nevada National Guard Adjutant General Clark, Governor Miller's office, State Emergency Management Office, the Red Cross, Montie Fast at FISH, Mission Linen, Ormsby House, Carson Nugget, K-Mart, and the landlord -- Mr. Laramie. Contributors were also noted. Board comments noted the difference in the City efforts between the fire and the December sewage spill. Supervisor Smith commended staff on the efforts and changes. No formal action was taken or required on this matter.

**8. PUBLIC WORKS DIRECTOR - Dan O'Brien and Utility Manager Dorothy Timian-Palmer.**

**C. UTILITY MATTERS**

**i. ACTION ON CHANGE ORDERS 2 AND 3 TO CONTRACT W-5 OF THE CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES** (4-1125) - Amount of change orders to date were noted. Funding was within the contingency account. Supervisor Smith moved that the Board approve Change Orders 2 and 3 to Contract W-5, Secondary Clarifier and Return Sludge Pump Station in the total amount of $11,572.63 and authorize the Mayor to sign, fiscal impact is $11,572.63 with a funding source of the Sewer Fund Account 510, a portion to be reimbursed by EPA. Supervisor Tatro seconded the motion. Motion carried 5-0.

**ii. DISCUSSION AND ACTION ON THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED RADIONUCLIDE RULE** (4-1290) - Ms. Timian-Palmer introduced Assistant Engineer Georgia Turner. Ms. Timian-Palmer and Ms. Turner explained, with the aid of an overhead projector, what radionuclide is, the Rule, reasons for concern about the radionuclide in groundwater, the content found in the soil which is created naturally, well water test samples, reasons for staff's opposition to the limits, means of addressing the problem, and the cost of each method. If the Board so directs, staff will send letters of opposition to the Congressman voicing its concerns. Discussion noted the effect air had on the radionuclide content in the water system which is considered a "closed system", that the radionuclide content was higher the closer to the Sierra Nevada Mountains the water source is, possibility of having employees use X-ray safety shields for protection, the health hazard generated by the radon gases which are escaping from the water which indicated the hazard was in taking a shower not drinking the water, the standards for air and water which were not equal, other locations with Carson City's problem, height of the aeration towers needed to mitigate the problem, questioned the statistics used in the cancer projections including the number of smokers versus non-smokers used, potential influence Carson City would have on the standards which are ultimately adopted, and other communities who are opposing the program. Supervisor Bennett commended staff on the presentation and urged the Board to direct staff to remain vigilant on the radon effects as well as other contaminants. She also urged the Board to retain appropriate staff to address these concerns. Supervisor Smith then moved that the Board direct staff to present the United States Environmental Protection Agency with Carson City's position on the proposal Radionuclide Rule. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mayor Teixeira and Supervisor Fettic then welcomed Ms. Turner.

**A. ACTION ON APPROVAL OF DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR ROBERT E. FITZ LOCATED AT 2001 AIRPORT ROAD FOR STREET IMPROVEMENTS (APN 8-302-01)** (4-2642) - Supervisor Fettic moved to cancel the Development Agreement between Carson City and Robert E. Fitz regarding participation in the street improvements at 2001 Airport Road. Supervisor Tatro seconded the motion. Supervisor Fettic then continued his motion to include and authorize the Mayor to sign. Supervisor Tatro continued his second. Motion carried 5-0.

**B. ORDINANCES - FIRST READING**

**i. ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR SNAP-ON-TOOLS, LOCATED AT 1880 FAIRVIEW DRIVE** - Discussion ensued on the requirements placed on the National Guard building, reasons for having development agreements, and future liability for the improvements should Snap-On-Tools be dissolved. Supervisor Tatro moved that the Board introduce Bill No. 160 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SNAP-ON-TOOLS REGARDING ASSESSOR'S PARCEL NOS. 10-051-12 AND 10-051-13 LOCATED AT 1880 FAIRVIEW DRIVE, CARSON CITY, NEVADA. Supervisor Fettic seconded the motion. Motion carried 5-0.

**ii. ACTION ON A SEWER MAIN REIMBURSEMENT ORDINANCE AND AGREEMENT FOR WILLIAM L. REEVES, LOCATED AT GONI ROAD AND HOT SPRINGS ROAD (APNs 8-131-28, 8-131-29, 8-131-30 AND 8-131-40)** (4-2878) - The line location was explained. Supervisor Tatro moved that the Board introduce Bill No. 161 on first reading, AN ORDINANCE APPROVING A SEWER MAIN REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND WILLIAM L. REEVES REGARDING ASSESSOR'S PARCEL NO. 8-131-28, 8-131-29, 8-131-30 AND 8-131-40, LOCATED ON GONI ROAD, CARSON CITY, NEVADA, and approval for the Mayor to execute the agreement, fiscal impact none except a 15 percent administrative fee due the City upon reimbursement to the Applicant. Supervisor Bennett seconded the motion. Motion carried 5-0.

**iii. ACTION ON APPROVAL OF ORDINANCE AND DEVELOPMENT AGREEMENT FOR THE FIRST UNITED METHODIST CHURCH FOR PROPERTY LOCATED AT 212 NORTH DIVISION STREET (APN 3-202-02)** (4-2925) - Supervisor Bennett expressed her gratitude for staff's willingness to work with the Church. Supervisor Bennett then moved that the Board introduce on first reading Bill No. 162, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE FIRST UNITED METHODIST CHURCH REGARDING ASSESSOR'S PARCEL NO. 3-202-02, LOCATED AT 212 NORTH DIVISION STREET, CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 5-0.

**12. B. HISPANIC COUNCIL** (5-0021) - Attendance at the second meeting was explained. The next meeting would be on November 25. The public is invited.

**C. CHANGEMASTERS (5-0076); E. LANDFILL OPERATIONS ALONG CARSON RIVER (5-0162); G. LONE MOUNTAIN CEMETERY; AND H. DEFINITION OF PARKS AND RECREATION DEPARTMENT AND COMMISSION POLICIES AND PROCEDURES** (5-0148) - Pulled.

**D. PRO-ACTIVE HOUSING INSPECTION PROGRAM** (5-0077) - Inspections were being performed. Time involved to complete the inspections was noted. Mr. Berkich had gone with staff on two inspections. Informative cards were distributed to the tenants and managers.

**F. POLICY, PROCEDURE, AND PAMPHLET REGARDING SPECIAL EVENTS WITHIN THE CITY** (5-0151) - A copy of the pamphlet was displayed.

**I. DISCUSSION AND ACTION ON RESOLUTION OF SUPPORT FOR THE PROPOSED COMMUTER BUS SERVICE BETWEEN RENO, CARSON CITY, AND MINDEN BY SIERRA NEVADA STAGE LINES** (5-0165) - Mr. Berkich explained the application under consideration by the Public Service Commission, the Chamber of Commerce's efforts to obtain bus service for the community, and invited the public to attend the hearing. Mayor Teixeira directed the City Manager to prepare the appropriate resolution and agendize same for Board action. He also wished the Applicant success. He then expressed concern for Mr. Berkich's well being due to the load he was carrying. No formal action was taken by the Board.

**13. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS AND PROCLAMATIONS - ITEMS REQUESTED BY MEMBERS OF THE BOARD OF SUPERVISORS:**

**C. SUPERVISOR FETTIC** (5-0228) - The Carson River Subconservancy District had at its meeting supported the Carson-Truckee Subconservancy District's proposal to utilize $20,000 of CTSD's money for consolidation of all reports/information on the Comstock Dam. CRSD was waiting for Douglas County to finalize its master plan and its recommendation on potential upstream storage.

**D. SUPERVISOR TATRO** (5-0260) - The Convention and Visitors Bureau's concern about the City policy on or lack of a policy on the utilization of parks for RV and tent camping. The Bureau suggested that the City include the charge for using City facilities for camping in the registration fees. The promoter would be responsible for determining who would be allowed to stay on the grounds which eliminates the City's involvement in the rental business. His donation to United Way was explained and he challenged the other Supervisors to match his. Mayor Teixeira noted his willingness to match it with the $2,000 he had spent lobbying the Legislature.

**E. SUPERVISOR BENNETT** (5-0355) - Requested staff be directed to agendize a discussion of the traffic safety evaluations, enforcement, and engineering analysis. Announced that the new Hospital Administrator would start on Monday. The next Board meeting conflicts with a TRPA meeting. As the 1991 evaluation for the Bi-State Federal Compact would be considered at the meeting, she would not be at the next Board meeting.

**B. SUPERVISOR SMITH - DISCUSSION AND POSSIBLE ACTION REGARDING FORMATION OF CARSON CITY URBAN FORESTRY COMMITTEE** (5-0412) - The original proposal to have the Parks and Recreation Commission make a recommendation on the Committee's formulation had been determined to be illegal according to a District Attorney's opinion. The Board of Supervisors was the only empowered body which could do this. Therefore, the Commission was referring the matter to the Board. Parks and Recreation Director Steve Kastens explained the original concept and reasons Reno's program could not be copied. The possibility of having the Parks and Recreation Commission serve as the Urban Forestry Committee was suggested if the Board does not wish to establish another Commission. The Commission supported having a separate Committee which would be responsible to the Board. The Commission suggested that one of its members be on the Committee. He suggested the Board direct the District Attorney to prepare the appropriate resolution. He expressed a willingness to work with him on its composition. Discussion ensued on the purpose of the Committee and Federal grants available for such a Committee. Supervisor Smith moved that the Board direct the District Attorney's office to prepare a resolution formally establishing an Urban Forestry Advisory Committee working in conjunction with the Parks and Recreation Director's recommendations. Supervisor Fettic seconded the motion. Motion carried 5-0.

**A. MAYOR TEIXEIRA** (5-0575) - Explained the "Expressway 2000" program and individuals who had been invited. The meeting will be held on Tuesday, November 19, at 8:30 a.m. in the Sierra Room.

BREAK: A recess was called at 4:30 p.m. When the meeting reconvened at 6 p.m., the entire Board was present constituting a quorum. Staff present included City Manager John Berkich, Clerk-Recorder Kiyoshi Nishikawa, Finance Director Mary Walker, Parks and Recreation Director Steve Kastens, Public Works Director Dan O'Brien, Chief Deputy District Attorney Charles Cockerill, Utility Manager Dorothy Timian-Palmer, and Recording Secretary Katherine McLaughlin.

**14. DISCUSSION AND ACTION ON APPROVAL TO REBID THE MILLS PARK PROJECT (EVENTS CENTER)** (5-0631) - Public comment was solicited but none made. Mayor Teixeira introduced the item by summarizing the handout he had given to the Board, but not the Clerk, on the history of the project. His introduction included enabling legislation which established a funding mechanism as well as the financing program, input sought prior to design, potential users, and potential of its being a financial liability in the beginning. He urged the Board to approve the project if each personally felt it was worthwhile. Discussion ensued with the Board on the original budget, original concept, reasons for changes, estimated cost of the revised project, potential need for financial support from the Residential Construction Tax monies, potential utilization of the RFP process for a permanent skating concessionaire, and Convention and Visitors Bureau role in the operation. Supervisor Tatro outlined the Convention and Visitors Bureau's unanimous support for the project. His comments stressed the funding source and its inability to be used for anything other than recreational facilities. He also explained that the Residential Construction Taxes had been included in the funding for Mills Park, however, this commitment would be less than that originally estimated due to utilization of the room tax for the Events Center. Supervisor Smith expressed his concern about the fabric suspension roof. Mayor Teixeira noted that this issue would be considered in the bid and may require as much as a ten-year guarantee. Mayor Teixeira then explained reasons for rebidding the project so that either a fabric or metal roof would be selected later and separation of other items in the bid. This may allow general contractors to participate in some areas. The proposal to address the maintenance for the facility was outlined and would not increase the Parks and Recreation staff's workload.

(5-2120) May Ruth French expressed her feeling that the Racetrack was the appropriate place for concerts and that the Fuji Park exhibit hall was the appropriate facility for car shows. Utilization of the school buses to transport the children to the skating rink was an inappropriate use of the taxpayers monies. Mayor Teixeira explained the funding proposal which would transfer room tax monies from the golf course to the Events Center. The Sparks center was a private enterprise operation and probably operates at a profit. Terms she felt should be in the ice skating concession were to be considered when the RFP is requested. She then suggested that the room tax funds be utilized for completion of other Park facilities. She opposed the project as she felt this was one more example of starting projects before others are completed and the concept was out of character with its surroundings. Supervisor Bennett responded to her comments concerning the use of the racetrack for concerts by noting that the contact she has had with these constituents opposed such an activity. Ms. French felt that these residents had moved to the area after the racetrack began operation.

Additional public comment was solicited but none made.

Supervisor Fettic then moved that the Board authorize the City to submit the Events Center to rebid. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Bennett - Yes, her support for the project was the same as her reasons for feeling so strongly about the V and T Railroad, that it is a good project, one that is deserving of consideration, and that any project which has the strong potential for retaining visitors within the community and enhancing the City's sales tax revenue in a very significant way is worth the investment of the room tax dollars, we as a community will be reimbursed for that many, many times over, and she was very impressed with Supervisor Tatro's rationale for the investment of these dollars and his statement, again, that it is not a burden on the taxpayer, that these monies will come from the room tax base and revenue will return to the community, she could only hope that the same type of vision that is being expressed here with this Events Center can also be adopted by those who are very interested in the redevelopment of our downtown area - Yes; Fettic - Yes; Smith - Yes; Tatro - Yes; and Mayor Teixeira - Yes, let's give it another shot. Motion carried unanimously.

BREAK: At 6:55 p.m., a five-minute recess was declared. When the meeting reconvened at 7 p.m., the entire Board was present constituting a quorum.

**15. DISCUSSION AND ACTION ON DARLING WATER RIGHTS PURCHASE** (5-2520) - Ms. Timian-Palmer explained how the water had been used under a lease, which would remain the same in the future. This included information on the number of permits and amount of water owned by the City, amount of water used annually, projected use, State Engineer's position on the utilization of the rights, peak demand periods, and issues considered in establishing the value of water rights. (A copy of this information was given to the Board and Clerk.) Discussion with the Board included the date of these rights, the high priority of these rights in Segment 7A, reasons why the entire 600 acre feet of leased rights were not being purchased, reasons to purchase the rights, monthly cost to the users, issues considered when subdivisions are submitted to the State for approval, reasons for the City's desire to purchase and control all of the water within its boundaries, concern that this would be the beginning of a rate increase spiral, amount of groundwater owned by private parties, and Marlette's role in the system. Public comments were solicited but none made. Mr. Cockerill then reviewed the agreement. He stressed that if the Board approves the agreement, it was not committing to the proposed bonding. It would, however, obligate the Board to seek financing to finalize the purchase. Comments noted that the Serpa versus Darling lawsuit had been resolved which clarified Mr. Darling's ownership of these rights. Comments were solicited but none made. (6-0622) Ms. Walker distributed to the Board and Clerk financial reports on the water rates, impact of the purchase and proposed bonds on the rates, and the City's bonding capacity. Her comments noted the proposal would increase the current users' rates by 4-1/2 percent and reasons current users were to pay for the acquisition. Estimates made on current data projected the next increase would occur in fiscal year 1993-94. Discussion ensued on this projected rate increase, WESTPAC's proposed rate increases, rates currently charged surrounding users, and estimated amount of the Marlette Lake bond improvements. Supervisor Bennett cautioned the Board about committing 65 percent of the City's bonding capacity for sewer and water projects when so many other items need to be addressed, i.e., a jail, a City hall, etc. Comments stressed that the rate increase would be considered at another meeting.

(6-1085) Ron Swirczek explained the history of the water company, his involvement with the Board, its direction to obtain the Darling and other water rights. He urged the Board to approve the acquisition. Mayor Teixeira responded by noting the City's ability to treat, provide an adequate safety factor, and meet the residents' need without the recommended Guastella increases. He supported the four percent increase and acquisition due to his feeling that it was in the City's best interest.

Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the Darling Water Right Purchase in the amount of $1,588,730, funding to be provided through increases in water use fees due to the use of water rights by existing users. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following results: Yes - Tatro, Smith, Bennett, Fettic, and Mayor Teixeira. No - None. Motion carried unanimously.

Supervisor Fettic moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 7:45 p.m.

Minutes of the November 7, 1991, Carson City Board of Supervisors meeting

ARE SO APPROVED ON December 19, 1991.

__/s/_____________________________________
MARV TEIXEIRA, Mayor

ATTEST:

__/s/______________________________
KIYOSHI NISHIKAWA, Clerk-Recorder