

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the April 27, 2004 Meeting

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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:00 p.m. on Tuesday, April 27, 2004 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson David Cook
Ronald Allen
Donald Campbell
Steve Suwe

STAFF: Melanie Bruketta, Supervising Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review during regular business hours.

A. CALL TO ORDER AND ROLL CALL (1-0007) - Chairperson DePauw called the meeting to order at 5:13 p.m. Roll was called; a quorum was present. Members Adler, Bowman, Lincoln, and Uptergrove were absent.

B. ACTION ON APPROVAL OF MINUTES - March 30, 2004 (1-0016) - Member Suwe moved to approve the minutes. Member Allen seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0021) - None.

D. MODIFICATIONS TO THE AGENDA (1-0023) - None.

E. PRESENTATION AND DISCUSSION OF NEVADA OPEN MEETING LAW MANUAL (1-0025) - Vice Chairperson Cook suggested postponing this item to the next meeting, and the Committee members concurred.

F. DISCUSSION REGARDING COMPLIANCE WITH RESOLUTION NO. 2004-R-5, RECOMMENDING THAT ALL ELECTED OFFICIALS AND INDIVIDUALS SERVING ON ADVISORY BOARDS TO THE BOARD OF SUPERVISORS PARTICIPATE IN AN ORIENTATION REGARDING THE REQUIREMENTS OF THE NEVADA OPEN MEETING LAW AND THE NEVADA ETHICS IN GOVERNMENT LAW (1-0045) - Chairperson DePauw read an e-mail to, and response from, City Manager Linda Ritter into the record, copies of which were included in the agenda materials. She advised of having written back to Ms. Ritter outlining the Committee's idea for review of the Nevada Open Meeting Law and Ethics in Government Law. In response to a question, Chairperson DePauw referred to the Summary of the Nevada Open Meeting Law which was distributed to the Committee members at the last meeting. Ms. Bruketta referred to the Nevada Open Meeting Law compliance checklist which is available on the Attorney General's website.

Member Allen advised of having served on several advisory boards/commissions/committees over the years, and that the District Attorney's staff has always been available to provide a brief overview of the Nevada Open Meeting Law and any pertinent updates. Discussion took place regarding the purpose behind the resolution, and Vice Chairperson Cook pointed out that the intent was to provide the opportunity for

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every advisory committee member and elected official to become familiar with the Nevada Open Meeting Law. Member Suwe agreed, and commented that the issue was larger two years ago than it is today. He expressed the opinion that people have and continue to become more aware of the requirements and penalties of the law. Ms. King discussed the function of City staff, in the absence of a District Attorney's representative, to ensure compliance with the Open Meeting Law. Ms. Bruketta acknowledged that, when requested by a City staff person or a committee chair, the District Attorney's staff is always available to attend meetings.

G. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT WHICH ALLOWS THE COMMITTEE TO ESTABLISH BYLAWS (1-0253) - Chairperson DePauw advised that the bylaw work group met last week, reviewed the Parks and Recreation Commission bylaws, and is in the process of adapting them to this Committee. Vice Chairperson Cook commented that the work group discussion was productive. He discussed the unique nature of this Committee in that it meets biannually, and suggested that developing bylaws will help to maintain continuity in the event that the membership is entirely different in 2006. In response to a question, Chairperson DePauw discussed issues to be addressed in the bylaws. Discussion took place with regard to whether or not bylaws are necessary, and consensus of the Committee was to reagendaize this item for discussion once a draft set of bylaws are available for review. No formal action was taken.

H. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT THAT ESTABLISHES A PROCESS BY WHICH AN ELECTED CITY OFFICIAL WOULD BE REPLACED IN THE EVENT OF THEIR RESIGNATION OR DEATH WHILE IN OFFICE (1-0364) - Chairperson DePauw provided background information on this item. In response to a comment, Ms. Bruketta advised that the process is covered by State law, and circulated copies of the applicable statutes. With regard to referencing the statutes in the charter, Vice Chairperson Cook pointed out that updates would be required each time the statutes are revised. Ms. Bruketta acknowledged the responsibility of the District Attorney's office to ensure compliance with laws pertinent to the municipality. She offered to make copies of the applicable statutes available to the Committee members. Vice Chairperson Cook expressed an aversion to adding anything unnecessary to the Charter. **Member Allen moved to not recommend a charter amendment to establish a process by which an elected City official would be replaced in the event of their resignation or death while in office. Member Campbell seconded the motion.** Member Suwe requested an amendment to indicate that the provision is covered in the statute. **Member Allen so amended his motion. Member Campbell continued his second. Motion carried 5-0.**

I. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT THAT CREATES A PROVISION TO REMOVE OR ELIMINATE AN ADVISORY BOARD/COMMISSION/COMMITTEE CREATED BY THE BOARD OF SUPERVISORS (SECTION 2.320) (1-0485) - Chairperson DePauw referred to Section 2.320 of the Charter. In response to a question, Ms. Bruketta advised that since the Board of Supervisors has the authority to create an advisory board, they also have the authority to dissolve an advisory board. Member Suwe read a portion of Section 2.320 into the record, and agreed with Ms. Bruketta's comments. Ms. Bruketta acknowledged that there has never been an issue with the Board of Supervisors dissolving

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an advisory board. Member Allen noted that advisory committees serve at the pleasure of the Board of Supervisors. **Vice Chairperson Cook moved to seek no further action on this item. Member Allen seconded the motion. Motion carried 5-0.**

J. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A CHARTER AMENDMENT WHICH ESTABLISHES A PROCESS BY WHICH BOARD OF SUPERVISORS AGENDAS ARE CREATED TO ENSURE THAT ANY BOARD MEMBER IS ALLOWED TO ADD ITEMS (1-0609) - Chairperson DePauw circulated a newspaper article, and provided background information on its publication. She advised of having contacted Supervisors Shelly Aldean, Robin Williamson, and Pete Livermore, who offered to attend a future Committee meeting. She suggested inviting Administrative Assistant Liz Teixeira to a meeting to review agenda setting procedures. She referred to the e-mail message from Supervisor Shelly Aldean which was included in the agenda materials, and circulated the Westlaw citations referenced therein.

Member Suwe suggested deferring this item to the next meeting in order that the interested Supervisors could be present. He referred to Section 2.040(2) which provides for the Board of Supervisors to “adopt rules for the government of its members and proceedings.” Vice Chairperson Cook agreed, and discussed his experience as President of the School Board to establish agendas. Member Allen advised of having recently reviewed Board of Supervisors agendas, and that there is an opportunity, at the end of every meeting, for a Supervisor to request an item to be placed on the next agenda. He further advised of having met with Mayor Masayko, who indicated that he reviews the agenda one week prior to the meeting. Mayor Masayko acknowledged that he has the right to pull items from the agenda, but advised that he does not do so unless there is a “real demanding reason.” Member Allen suggested that the one “which sticks out ... and the only one that [Mayor Masayko] cited ... was the Boys and Girls Club thing. And he did that as a cooling off period. They had thirty days in order to hear that item at the Board of Supervisors. He pulled it off the agenda at 15 days and put it on the agenda automatically before the thirty days.” Member Allen expressed the opinion that there appears to be nothing wrong with the established procedure, but agreed with hearing from the concerned Supervisors. In response to a comment, Member Allen pointed out that Mayor Masayko is the Chair of the Board of Supervisors. Chairperson DePauw advised that the Carson City Municipal Code does not address agenda setting. Discussion took place regarding the authority of the chair to establish the agenda.

Consensus of the Committee was to defer this item to the next meeting in order that the interested Supervisors could be present. Chairperson DePauw read an e-mail to, and response from, Supervisor Aldean into the record. **Member Suwe moved to continue this item to the next meeting to allow the attendance of the interested Supervisors. Member Allen seconded the motion. Motion carried 5-0.** Vice Chairperson Cook noted the importance of sticking to discussion of the validity of a possible charter amendment. He expressed an interest in hearing a justification as to the reason the Charter should be the appropriate place for mandating Board of Supervisors bylaws. Member Allen agreed.

K. DISCUSSION AND POSSIBLE ACTION TO IDENTIFY SECTIONS OF THE CARSON CITY CHARTER THE COMMITTEE WILL STUDY FOR POSSIBLE REVISION (1-0962) - Member Allen suggested deferring this item until Member Uptergrove could be present. In response to a question, Ms. Bruketta explained the purpose of this item. Chairperson DePauw requested Ms. King to contact Member Uptergrove with regard to sections of the Charter he wishes to review. She requested the other Committee members to contact Ms. King with sections for review. No formal action was taken.

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L. ACTION ON ADJOURNMENT (1-1008) - Chairperson DePauw requested the Committee members to contact her or City staff to advise of absences. Member Allen moved to adjourn the meeting at 6:12 p.m. Vice Chairperson Cook seconded the motion. Motion carried 5-0.

The Minutes of the April 27, 2004 meeting of the Carson City Charter Review Committee are so approved this 25th day of May, 2004.

DONNA DePAUW, Chair