

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the May 4, 2000 Meeting

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A regular meeting of the Carson City Charter Review Committee was held at 5:00 p.m. on Thursday, May 4, 2000 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Shelly Aldean
Vice Chairperson Donna Kuester
Ernie Adler
Blair Allen
Pat Jackson
Gail Parsons
Vivian Pickett
Richard Reich
John Vettel

STAFF: Alan Glover, Clerk-Recorder
Neil Rombardo, Deputy District Attorney
Kathleen King, Recording Secretary
(CRC 05/04/00; Tape 1-0001)

NOTE: Unless indicated otherwise, each item was introduced by Chairperson Aldean. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. CALL TO ORDER AND ROLL CALL (1-0003) - Chairperson Aldean called the meeting to order at 5:05 p.m. Roll call was taken; a quorum was present. Member Nuzum was absent. Member Adler arrived at 5:20 p.m. Member Reich arrived at 5:26 p.m.

B. ACTION ON APPROVAL OF MINUTES - MARCH 28, 2000 (1-0010) - Member Jackson moved to approve the minutes. Member Vettel seconded the motion. Motion carried 7-0-3-0.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0020) - Mr. Glover advised that Mayor Masayko has scheduled the meeting of June 15, 2000 to hear the proposed resolutions of the Committee.

Chairperson Aldean commented on her friendship with Dick Murray and his contributions to Carson City. His passing was observed with a moment of silence. Member Jackson discussed Mr. Murray's qualities and his contributions to the community, and noted that he will be missed. Member Allen commented on her friendship with Mr. Murray and also noted that he will be missed.

At the request of Mr. Rombardo, the record reflects that no members of the public were present at the meeting.

D. PUBLIC MEETING ITEMS:

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D-1. DISCUSSION AND ACTION ON PROVISION REQUIRING ALL VOLUNTEERS SERVING ON CARSON CITY ADVISORY COMMITTEES AND COMMISSIONS, WHICH ARE CREATED BY THE CARSON CITY CHARTER, TO BE ACTUAL, PHYSICAL RESIDENTS OF CARSON CITY (1-0060) - Chairperson Aldean referred to Mr. Rombardo's April 7, 2000 memorandum included in the agenda materials. **Member Vettel moved to adopt the recommendation of the District Attorney's Office. Member Parsons seconded the motion.** Member Vettel referred to Robert's Rules of Order and inquired as to the proper protocol for discussion of agenda items. Mr. Rombardo explained the District Attorney's interpretation of the rules of procedure, and a brief discussion ensued with regard to the same. Chairperson Aldean called for a vote on the pending motion. **Motion carried 7-0-3-0.**

D-2. DISCUSSION OF BENEFITS TO THE COMMUNITY OF A PUBLIC SAFETY COMMISSION; WHETHER FIRE AND POLICE CHIEFS SHOULD BE APPOINTED BY A PUBLIC SAFETY COMMISSION (1-0120) - **Member Vettel moved to eliminate the item from further consideration based upon the District Attorney's recommendation.** Discussion regarding the function and authority of the Committee followed. **Vice Chairperson Kuester seconded the motion. Motion carried 7-0-3-0.**

D-3. DISCUSSION AND ACTION TO PROHIBIT ALTERNATES FROM BEING SELECTED FOR CARSON CITY VOLUNTEER ADVISORY COMMITTEES (1-0160) - **Member Vettel moved to eliminate the item from further consideration based upon the District Attorney's recommendation. Member Jackson seconded the motion. Motion carried 7-0-3-0.** Vice Chairperson Kuester inquired as to whether or not a recommendation would be forwarded to the Board of Supervisors. Mr. Rombardo advised that Chief Deputy District Attorney Mark Forsberg has informed the committee to which this item applies. Mr. Rombardo acknowledged that because the Charter does not allow the Board of Supervisors to appoint alternates, there is no need to forward a recommendation to the Board. At the request of Member Vettel, Mr. Rombardo indicated that he would pass along the concerns of the Committee.

D-4. DISCUSSION AND ACTION REGARDING ADOPTION OF STORM WATER UTILITY (1-0193) - Mr. Rombardo advised that he has not yet had a chance to meet with City Manager Berkich regarding this matter. He explained that items D-4 and D-5 are currently being addressed, but he did not know the status of these items. Vice Chairperson Kuester advised that Mr. Glover had indicated that City Manager Berkich would have information available on items D-4 and D-5 at the next meeting. Mr. Rombardo advised that he will be meeting with Acting Development Services Manager Andrew Burnham to discuss the matter of the storm water utility. Chairperson Aldean requested Mr. Rombardo to develop preliminary language regarding the storm water utility. (Member Adler arrived at 5:20 p.m.) Member Adler discussed the statutory section developed by Clark County on storm drainage, flood control, detention basins, etc. He recommended developing a statutory section for Carson City to authorize administration of storm drainage and flood control. Chairperson Aldean referred to §6.010 and suggested that it be expanded. Mr. Rombardo advised that he would review the matter and provide a recommendation. **Member Adler moved to adopt a provision in the Charter dealing with a storm water utility, including flood control and retention/detention basins, to ensure that the City has authority to act. Member Jackson seconded the motion. Motion carried 8-0-2-0.**

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D-5. DISCUSSION AND ACTION REGARDING ELIMINATION OF THE PURCHASING AGENT POSITION (1-0288) - Member Vettel moved to table this item. Member Allen seconded the motion. Discussion regarding the motion took place, and **Member Vettel amended his motion to postpone action on this item until the next meeting. Member Allen continued her second. Motion carried 8-0-2-0.**

Member Reich arrived at 5:26 p.m.

D-6. DISCUSSION AND ACTION TO AMEND SECTION 1.060 OF THE CARSON CITY CHARTER TO MANDATE THE DIVISION OF THE CITY INTO FIVE (5) WARDS; AND D-7. DISCUSSION AND ACTION TO AMEND THE CARSON CITY CHARTER TO ELIMINATE THE OFFICE OF THE MAYOR AND DISTRIBUTE AUTHORITY EVENLY AMONG FIVE ELECTED SUPERVISORS WITH A CHAIRMANSHIP BY ANNUAL APPOINTMENT OR REGULAR ROTATION (1-0305) - Vice Chairperson Kuester provided background information on this item, and explained her proposal as follows: Divide the City into five wards with no mayoral race, and have the Supervisors elect a chairman on a rotating basis. She discussed the costs of campaigning for the offices of Mayor and Supervisor, and advised of other counties which are governed by the proposed system. Member Adler pointed out that Carson City's governmental structure is statutorily more similar to a county and the Board of Supervisors is more similar to a City Council. Discussion ensued with regard to the function of the proposed system. Mr. Rombardo explained that Carson City is considered a county in its capacity as a consolidated municipality, and that all county statutes apply. However, the Board of Supervisors can decide to take action as a City with the exception of a few specifically-excluded statutes. He pointed out that the Charter assumes the position of a Mayor in §3.010 and that amendments to other sections of the Charter would be necessary in order to fully implement the proposal. Member Vettel commented that items D-6, D-7 and D-11 are "all tied together." Further discussion regarding the proposed system took place, and Member Adler pointed out the timeliness of taking action on this matter before reapportionment takes effect. At the request of Member Reich, Vice Chairperson Kuester explained the reasoning behind the proposal, and discussion ensued regarding ward representatives. Member Reich discussed the importance of a non-partisan position, and expressed the opinion that the existing system works well. Chairperson Aldean discussed cost savings of nominating at the ward level and electing at large. Member Reich referred to Mr. Glover's position paper and discussion ensued regarding the cost of elections. Member Adler discussed the election processes of the Cities of Reno and Sparks. Mr. Rombardo pointed out that eliminating the Mayor's position would necessitate a determination of statutory authority for various duties such as emergency management.

Member Vettel requested a written proposal including recommendations for amendment. Member Reich requested information on the advantages and disadvantages of the proposal from a community similar to Carson City. Discussion followed regarding the function of the mayor and the disadvantages of having the Chairman of the Board of Supervisors appointed by other than the voting public. Member Reich reiterated his preference for a non-partisan individual in the position of Chairman of the Board of Supervisors. Member Jackson expressed the opinion that consistency would be lost by having the Board Chairman appointed on an annually rotating basis. Discussion ensued regarding the same, and Chairperson Aldean suggested postponing consideration of item D-6. **Member Reich moved to postpone consideration of**

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item D-6. Member Adler discussed problems intrinsic to not electing people by wards and provided examples experienced by Lyon County. **Member Adler seconded the motion. Motion carried 9-0-1-0.**

(1-0767) - Don Carlson, an invited guest, expressed the opinion that the City should have candidates for mayor who are obligated to express their vision. He expressed concern over the concept of annually rotating the chairmanship of the Board of Supervisors. Discussion regarding appropriate action for item D-7 followed, and Member Adler moved to amend agenda item D-7 to discuss electing supervisors directly by ward. Motion died for lack of a second. Member Vettel moved to modify the language of item D-7 to indicate discussion and action to amend the Carson City Charter to eliminate the office of the mayor and distribute authority evenly among elected supervisors with a chairmanship by annual appointment or regular rotation. Member Reich seconded the motion. Member Vettel explained the intent of the motion and discussion followed regarding the same. Mr. Rombardo pointed out that §2.010 provides for five supervisors, one of whom is the mayor. Member Vettel withdrew his motion.

Member Vettel expressed agreement with the opinion that Carson City needs a person who is “the focus of the City,” who carries out official functions, and who acts as the “recognized leader of the City.” He expressed the opinion that the individual should derive his or her authority directly from the voting public and not from the supervisors; that the person should be responsive and responsible to the public at large. He expressed favor for maintaining the present system with a mayor elected by and responsible to the population of Carson City, regardless of the outcome of discussion on the number of wards and supervisors. Vice Chairperson Kuester expressed agreement with a previous suggestion by Member Allen to postpone action on items D-6 and D-7 until discussion of items D-10 and D-11. **Member Vettel moved to temporarily postpone action on items D-7, D-8, and D-9. Member Reich seconded the motion. Motion carried 9-0-1-0.**

(1-1258) With regard to item D-7, **Member Vettel moved to reject the proposal entirely and continue with the system of an elected mayor. Member Jackson seconded the motion. Motion carried 6-1-1-2.** Mr. Rombardo requested a roll call vote on this item. **Vettel, Reich, Pickett, Parsons, Jackson, Allen - Aye; Kuester - Naye; Adler, Aldean - Abstain.**

(1-1300) With regard to item D-6, **Member Reich moved to table the matter until after reapportionment. Member Vettel seconded the motion. Motion carried 8-1-1-0.**

D-8. DISCUSSION AND ACTION TO PROHIBIT ELECTED OFFICIALS FROM SERVING ON ADVISORY COMMITTEES AND COMMISSIONS FOR A PERIOD OF TIME EQUIVALENT TO THE LENGTH OF THEIR LAST TERM IN OFFICE (1-1327) - Member Allen moved to reject this item. Member Adler seconded the motion. Chairperson Aldean provided background information on this item, and discussion regarding advantages and disadvantages followed. Member Vettel suggested that prohibiting anyone from serving may be unconstitutional, and discussed the disadvantage of losing the experience of elected officials. **Motion carried 9-0-1-0.**

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D-9. DISCUSSION AND ACTION TO PROVIDE FOR APPOINTMENT OF COMMITTEES TO PREPARE ARGUMENTS FOR AND AGAINST MUNICIPAL BALLOT QUESTIONS (NRS 293.481, AS AMENDED BY AB200) (1-1435) - Chairperson Aldean referred to the copies of NRS 293.481 and the proposed amendment, AB200, provided at the last meeting. Mr. Glover expressed the opinion that the statute should govern the appointment of the committees. He reminded the Committee that the statute will not apply to Carson City until after the census, and that the statute has a number of technical, legal problems to be amended prior to the next legislative session. Chairperson Aldean inquired as to the relevance of population, and discussion ensued with regard to the same. **Member Reich moved to remove this proposal from further consideration. Member Vettel seconded the motion. Motion carried 9-0-1-0.**

D-10. DISCUSSION AND ACTION ON WHETHER TO ELECT CITY SUPERVISORS AT THE WARD LEVEL (1-0940) - Mr. Carlson discussed three processes, as follows: (1) At-large nomination/election; (2) At-ward nomination/election; and (3) At-ward nomination and at-large election. He stated he is a proponent for at-ward nominations and at-large elections for the Board of Supervisors, and for members of the Hospital Board and the School Board. With regard to the impact of the aforementioned Boards, he commented that the community is evolving into a group of spectators and expressed concern over the fact that races for School Board, Hospital Board, and the Board of Supervisors have been largely uncontested. He asked that the Committee consider requesting a legal opinion on the constitutionality of at-large nominations and elections. He referred to federal court rulings, specifically regarding Los Angeles County, where the court required a change from at-large nominations and elections to at-ward nominations and elections. He expressed concern over at-ward nominations and elections because of the possibility of fractionalizing the community. He considers the at-ward nomination and the at-large election a compromise, and encouraged that a legal opinion be written regarding the constitutionality of at-large nomination/election and at-ward nomination/at-large election. He suggested that lawsuits may be a possibility if these issues are not addressed.

Discussion ensued regarding the benefits and detriments of Mr. Carlson's suggestion, and the federal ruling affecting Los Angeles County. Mr. Glover pointed out the enormous amount of research needed in order for the District Attorney's staff to render an opinion, and discussed the need to wait for the results of the census. Member Jackson suggested, since this issue has been addressed by the Committee over the last ten years, that all proposals be eliminated until more information is available. Chairperson Aldean concurred and suggested that the Committee recommend that the Board of Supervisors request a legal opinion on the matter and see to it that the matter is agendaized for the next Charter Review Committee. Members Reich and Vettel concurred. Chairperson Aldean thanked Mr. Carlson for his presentation.

(1-1525) Discussion took place regarding the cost of ward elections, election software and equipment, and the elements of and procedure for early voting. Member Adler expressed support for elections at the ward level, and discussed the advantages of the same and the disadvantages of the existing system. He referred to the systems used in Sparks and Reno, and commented that he has never heard of a supervisor being concerned only for their individual ward, or of a group of individuals being able to sway the Board one way or another. He expressed the opinion that at-ward elections provide for more representative government and that electing a mayor at large provides the "swing vote." Mr. Glover commented that the City of

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Sparks is not a good model because most of the races are uncontested and voter turnout is very low. Discussion ensued regarding the differences in population, wards, voter turnout, etc. between the Cities of Reno and Sparks. Chairperson Aldean expressed the opinion that the process should be addressed in a multi-step fashion, i.e., experiment with nomination at ward and election at large and make the transition as Carson City grows. Member Vettel discussed his experience in running for school board in Douglas County. Member Adler moved to pass this item. Motion died for lack of a second. **Member Vettel moved to eliminate this item from further discussion. Member Reich seconded the motion. Motion carried 7-2-1-0.**

D-11. DISCUSSION AND ACTION ON WHETHER TO NOMINATE CITY SUPERVISORS AT THE WARD LEVEL AND ELECT THEM CITYWIDE (1-1750) - Chairperson Aldean referred to earlier discussion regarding forwarding a recommendation to the Board of Supervisors that a legal opinion be requested regarding the constitutionality of the current procedure of at-large nominations and elections; and that the item be reagendized for the 2002 Charter Review Committee when the census data will be available. Member Allen commented that action should be taken to ensure proper representation of minority pockets before the census confirms their existence. Member Adler commented that the proposal would not make the procedure any more constitutional than it is now, and discussion ensued with regard to the same. Mr. Rombardo explained the position of the District Attorney's office in rendering an opinion, and Member Adler discussed various scenarios which could still provoke a lawsuit. Member Vettel noted his opposition to "this entire line of thinking," and discussed the opportunity available to every United States citizen to run for office.

Chairperson Aldean referred to Mr. Carlson's discussion regarding the case law which would support a legal opinion to potentially protect the City against litigation. She requested input regarding whether or not to forward a recommendation to the Board of Supervisors. Discussion ensued regarding a ballot question, the significance of the census results, and the number of times this item has been discussed over the years. Member Adler pointed out that if the District Attorney's office renders an opinion which affirms the unconstitutionality of the current system, the City is then obligated to change the Charter. Discussion regarding the type of opinion to request followed, and Mr. Rombardo emphasized the vast number of issues involved in rendering an opinion. Chairperson Aldean proposed that if there is no consensus to forward a recommendation to the Board of Supervisors to seek a legal opinion on the constitutionality of the current system, that the Committee at least share with the Board of Supervisors the concerns expressed. **Member Adler moved to draft a resolution to the Board of Supervisors expressing the Committee's concerns over how people are elected by wards currently and that it may create future legal problems if not addressed. Vice Chairperson Kuester seconded the motion. Motion carried 9-0-1-0.**

E. FUTURE AGENDA ITEMS (1-2217) - Vice Chairperson Kuester requested that an item be agendized regarding elected officials continuing to serve in positions to which they have been appointed as a result of their office. Member Adler provided clarification of the language. Discussion ensued regarding boards and commissions to which this would apply and the authority of the Committee to address this issue.

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(1-2327) Chairperson Aldean requested Mr. Rombardo to prepare the above-mentioned item in resolution form for the next meeting. Mr. Rombardo discussed the usual procedure of committees to prepare proposals in complete form. Discussion ensued regarding the usual practice of the Committee, and Member Adler volunteered to draft appropriate language. Vice Chairperson Kuester requested that the item regarding action on selecting Committee representatives to present resolutions to the Board of Supervisors be agendaized for the next meeting.

F. COMMITTEE MEMBER COMMENTS (1-2300) - Vice Chairperson Kuester referred to Mr. Glover's letter regarding elections software and discussion regarding the dates, times and location for the review took place.

G. ADJOURNMENT (1-2389) - Member Allen moved to adjourn the meeting at 7:00 p.m. Member Reich seconded the motion. Motion carried 9-0.

The Minutes of the May 4, 2000 meeting of the Carson City Charter Review Committee are so approved this ____ day of May, 2000.

SHELLY ALDEAN, Chairperson