

# CARSON CITY CHARTER REVIEW COMMITTEE

## Minutes of the April 22, 2008 Meeting

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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:30 p.m. on Tuesday, April 22, 2008 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

**PRESENT:** Chairperson Donna DePauw  
Vice Chairperson Ron Allen  
Ernie Adler  
Joan Andreas  
Stephen Lincoln  
Steve Platt  
Steve Suwe

**STAFF:** Melanie Bruketta, Chief Deputy District Attorney  
Ann Silver, Human Resources Director  
Kathleen King, Recording Secretary

**NOTE:** A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

**A. CALL TO ORDER; DETERMINATION OF QUORUM (1-0007)** - Chairperson DePauw called the meeting to order at 5:32 p.m. Roll was called; a quorum was present. Member Adler arrived at 5:36 p.m.

**B. ACTION ON APPROVAL OF MINUTES - March 25, 2008 (1-0015)** - Vice Chairperson Allen moved to approve the minutes, as presented. Member Platt seconded the motion. Motion carried 5-0-1, Member Lincoln abstaining.

**C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0032)** - None.

**D. REVIEW AND DISCUSSION OF 2006 CHARTER REVIEW COMMITTEE ITEMS (1-0807)** - Chairperson DePauw introduced this item and provided an overview of the pertinent agenda materials. She called for questions or comments; however, none were forthcoming.

**E. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO PROHIBIT A RELATIVE OF THE BOARD OF SUPERVISORS FROM WORKING IN THE CITY MANAGER'S OFFICE (1-0054)** - Chairperson DePauw introduced this item and Mayor Marv Teixeira, Supervisor Pete Livermore, and Ms. Silver. [Member Adler arrived at 5:36 p.m.] Mayor Teixeira expressed the opinion there should be no specific language in the Charter which could be solely confined to the City Manager's Office. He cautioned the committee against attempting to prohibit relatives from working together in any City department or division. He discussed the steps he took, before running for office, to ensure no conflict of interest between former Administrative Assistant Liz Teixeira and former City Manager Linda Ritter. He further advised of having inquired of the Carson City District Attorney and the Nevada Attorney General to ensure the legality and ethics of running for the office of mayor while his wife was employed by the City in the City Manager's Office. He recommended giving no further consideration to the subject agenda item.

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Supervisor Livermore expressed appreciation for Mayor Teixeira's willingness to attend the meeting. He provided background information on the purpose of the subject agenda item. In response to a question, Ms. Silver advised that nepotism is addressed in the state statute as well as in City policy. The Carson City employment application includes questions regarding relatives working in the City, the relationship between the applicant and the City employee, and the department in which the relative is employed. Human Resources personnel determine whether a conflict may exist. If so, the applicant may be referred to another City department. Relatives are not prohibited from working in the same department, as long as they are not within the third degree of consanguinity or in a reporting / supervisory relationship. Ms. Silver advised that 18 percent of the City's employees are related. She noted the difficulty, from a recruitment perspective, of refusing applications based on family relationship. She reiterated the issues considered by Human Resources personnel are the degree of consanguinity and the potential for a supervisory conflict.

Member Suwe suggested there were two separate issues indicated by the discussion. Ms. Silver referred to nepotism considerations in the hiring process. The subject agenda item requests consideration of "no one working in the City Manager's Office that's related to a member of the Board of Supervisors." Member Suwe noted that Mrs. Teixeira was an employee of the City Manager's Office prior to Mayor Teixeira's decision to run for office. Member Suwe expressed an understanding of, and agreement with, the State's nepotism laws. He expressed opposition to an individual being precluded from running for a City office because of a family relationship to a City employee. He advised he didn't "have a flavor for this because somebody has a right to run and somebody has a right to a job." He expressed the opinion that the subject agenda item infringes on personal rights. Ms. Bruketta agreed with Member Suwe's assessment of two separate issues under the discussion. With regard to the Mayor's conduct, she assured the committee members that he had always followed state law and the code of ethics by recusing himself from discussions regarding Mrs. Teixeira whenever appropriate. Discussion ensued, and Member Platt suggested there are adequate protections provided in the state statute, by the Ethics Commission, and by the City's recruitment policies. Chairperson DePauw called for additional comments and, when none were forthcoming, entertained a motion. **Member Lincoln moved to not recommend to the Board of Supervisors an amendment to the charter to prohibit a relative of the Board of Supervisors from working in the City Manager's Office. Vice Chairperson Allen seconded the motion. Motion carried 7-0.**

**F. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO INCLUDE THE JOB DESCRIPTION AND RESPONSIBILITIES OF THE CITY MANAGER (1-0312)** - Chairperson DePauw introduced and provided background information on this item. Supervisor Livermore provided additional background information, and advised that some of the issues which were relevant prior to Mr. Werner's appointment "no longer seem to be relevant today." He expressed concern over former City Manager Linda Ritter's creation of an internal finance committee which "took away from the Board" and sometimes "acted as an unofficial member of the Board."

In response to a question, Supervisor Livermore described the public interview process associated with Ms. Ritter's appointment as City Manager and the process associated with current City Manager Larry Werner's appointment. Vice Chairperson Allen expressed the belief that the City Charter should not be cluttered with such things as the City Manager's job description. Member Adler suggested that the Board of Supervisors should have a job description for the City Manager which should be periodically reviewed. Supervisor Livermore acknowledged his original intent was to include the City Manager's job description in the charter. In response to a question, Ms. Silver referred to the City Manager's job description, copies

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of which were provided to the committee members. She noted that the document was last revised in 2003, and advised that some members of the Board of Supervisors had suggested revising the job description again. She acknowledged that Human Resources Department staff often review job descriptions, compensation ranges, etc., in order to be competitive in wages and duties. She noted the detail of the current City Manager's job description.

Member Suwe referred to Section 3.020 of the City Charter and read a portion of the same into the record. He noted that the Board of Supervisors has the authority to determine the City Manager's duties. He referred to the City Manager's job description and read a portion of the same into the record. He noted that the City Manager is an at-will employee, who serves at the pleasure of the Board of Supervisors. He expressed the opinion that there is no reason to delineate the City Manager's job description in the City Charter. Vice Chairperson Allen suggested doing so would be "redundant and ... time consuming and non-productive." In response to a comment, Member Suwe reiterated that the Board of Supervisors has the authority to establish the City Manager's duties, "not the Charter Review Committee." **Member Andreas moved to not recommend any amendment to the charter to include the job description and responsibilities of the City Manager. Vice Chairperson Allen seconded the motion.** Member Lincoln agreed with Member Suwe's comments that the authority is provided to the Board of Supervisors. Chairperson DePauw expressed support for recommending to the Board of Supervisors a charter amendment to review the City Manager's job description on a regular basis. In response to a question, Ms. Bruketta advised that the committee could take action under the subject agenda item. In response to a question, Member Andreas declined to amend her motion. Vice Chairperson Allen declined to withdraw his second. Chairperson DePauw called for a vote on the pending motion; **motion carried 5-2.**

**G. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER TO PROHIBIT ORGANIZATIONAL CHANGES WITHIN THE CITY WITHOUT CHARTER REVIEW COMMITTEE APPROVAL (1-0633)** - Chairperson DePauw introduced, provided background information on this item, and referred to the pertinent agenda materials provided to the committee members and staff. Supervisor Livermore provided additional background information. Discussion took place with regard to the wording of the agenda item, and Members Platt and Adler expressed support for requiring organizational changes which require a charter amendment to first be reviewed by this committee prior to being submitted to the Board of Supervisors. Ms. Bruketta referred the committee members to Charter Section 1.090, and suggested developing proposed amendment language for review at the next committee meeting. **Member Lincoln so moved. Member Platt seconded the motion. Motion carried 7-0.**

Following discussion, Ms. Bruketta suggested Chairperson DePauw and Member Adler develop language for the agenda item. She reviewed the committee's direction to discuss possibly amending Section 1.090 to include the requirement that any amendments to the Charter be reviewed by this committee prior to being submitted to the Board of Supervisors. The committee members concurred with the proposed language. At Ms. Bruketta's suggestion, **Member Lincoln moved to defer this item to the next meeting. Member Platt seconded the motion. Motion carried 7-0.** The committee members thanked Supervisor Livermore for his attendance and participation.

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**H. DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER REVIEW COMMITTEE MEETING TIME (1-0822)** - Chairperson DePauw introduced this item. Vice Chairperson Allen reviewed a proposal to change the meeting time to earlier in the day, and discussion followed. No formal action was taken.

**I. FUTURE AGENDA ITEMS (1-0903)** - Chairperson DePauw noted that item G would be reworded and reagendaized. Discussion took place regarding the tentative May agenda.

**J. ACTION ON ADJOURNMENT (1-1022)** - Vice Chairperson Allen moved to adjourn the meeting at 6:27 p.m. The motion was seconded and carried unanimously.

The Minutes of the April 22, 2008 Carson City Charter Review Committee meeting are so approved this 20<sup>th</sup> day of May, 2008.

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DONNA DePAUW, Chair