

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the October 5, 2000, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 5, 2000, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:                   Ray Masayko                   Mayor  
                                  Kay Bennett                   Supervisor, Ward 4  
                                  Robin Williamson           Supervisor, Ward 1  
                                  Jon Plank                    Supervisor, Ward 2  
                                  Pete Livermore             Supervisor, Ward 3

STAFF PRESENT:   John Berkich                   City Manager  
                                  Alan Glover                   Clerk-Recorder  
                                  Sheila Banister              Chief Juvenile Probation Officer  
                                  Steve Kastens               Parks and Recreation Director  
                                  Mark Forsberg               Chief Deputy District Attorney  
                                  Larry Werner                City Engineer  
                                  Cheryl Adams                Deputy Purchasing Director  
                                  John Simms                  Juvenile Service Program Coordinator  
                                  John Flansberg              Street Operations Manager  
                                  Skip Canfield               Senior Planner  
                                  Katherine McLaughlin      Recording Secretary  
                                  David Stultz                Cemetery Sexton  
                                  Justine Chambers          Senior Purchasing Tech  
(B.O.S. 10/5/00 Tape 1-0031)

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. Any other individuals who spoke are listed immediately following the item 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 normal business hours.

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present constituting a quorum. Pastor Patrick Propster of the Carson City Christian Fellowship gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0069)** - Greg Revers explained his concern about the amount of traffic on residential streets and the speed at which these vehicles travel, specifically on Winnie and Mountain Streets near the school. Mayor Masayko indicated that Undersheriff William Callahan and Street Operations Manager John Flansberg were present and had heard the remarks. No formal action was taken or required.

**1. APPROVAL OF MINUTES - JUNE 15, 2000, REGULAR SESSION AND JUNE 22, 2000, SPECIAL SESSION (1-0103)** - Supervisor Livermore corrected his ward number and moved to approve the Minutes of the June 15, 2000, meeting as presented and the Minutes for the Special Meeting of June 22 with the noted correction of Supervisor Ward 3. Supervisor Plank seconded the motion. Motion carried 5-0.

**2. AGENDA MODIFICATIONS (1-0131)** - Mayor Masayko indicated Item 3, a special presentation for "Carson City 4-H Week", and Item 4. E. iv., regarding the freeway construction materials testing, had been rescheduled.

(1-0212) Chief Deputy District Attorney Forsberg pulled Item 7 regarding an amendment to Carson City Municipal Code Section 4.04.107

**3. SPECIAL PRESENTATIONS - PROCLAMATION FOR "CARSON CITY 4-H WEEK", OCTOBER 1-7, 2000 - Rescheduled.**

**LIQUOR AND ENTERTAINMENT BOARD (1-0154)** - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board was present including Sheriff's Representative William Callahan, constituting a quorum.

**4. TREASURER - ACTION ON A CHANGE OF LOCATION FOR AN EXISTING BEER AND WINE LICENSE DESIGNATED TO PANITHAN CHOTISIN, DOING BUSINESS AS THAI SPICE KITCHEN, LOCATED AT 111 EAST TELEGRAPH STREET, CARSON CITY, NEVADA (1-0155)** - Mr. Chotisin explained the new location. Member Callahan noted the favorable Sheriff's Investigative Report. Member Williamson moved to approve a change of location for an existing beer and wine license designated to Panithan Chotisin, doing business as Thai Spice Kitchen under CCMC 4.13.120, and wished him success at his new location. Member Livermore seconded the motion. Motion carried 6-0.

**BOARD OF SUPERVISORS** - There being no other matters for consideration, Mayor Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. The entire Board was present constituting a quorum.

**5. CONSENT AGENDA (1-0234)**

**A. TREASURER - ACTION ON THE TREASURER'S REPORT FOR THE MONTH OF AUGUST 2000**

**B. FINANCE DIRECTOR - ACTION ON RATIFICATION OF THE EXPENDITURE APPROVAL LISTINGS FOR THE MONTH OF AUGUST 2000**

**C. COMMUNITY DEVELOPMENT - ACTION ON U-00/01-16 - A REQUEST FROM JUBILEE MINISTRIES TO WAIVE THE SPECIAL USE PERMIT APPLICATION FEE IN ACCORD WITH CARSON CITY MUNICIPAL CODE (CCMC) SECTION 18.02.039**

**D. PURCHASING AND CONTRACTS**

**i. ACTION ON THE AWARD OF CONTRACT NO. 0001-043 TO WORTHEN KENWORTH INC. AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS 332 TO PROVIDE ONE (1) 2001 KENWORTH T800B 3,600 GALLON WATER TRUCK FOR \$104,722**

**ii. ACTION ON THE AWARD OF CONTRACT NO. 0001-043 TO SILVER STATE INTERNATIONAL AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS 332 TO PROVIDE ONE (1) 2001 INTERNATIONAL F-2674 ASPHALT PATCH TRUCK FOR \$150,379**

**iii. ACTION ON CONTRACT NO. 0001-045 REQUEST TO DECLARE THE LISTED CITY PROPERTY AS SURPLUS AND AUTHORIZE ITS DISPOSAL BY PUBLIC AUCTION**

**iv. ACTION ON CONTRACT NO. 0001-046 REQUEST TO DECLARE THE 1995 TOWMASTER EQUIPMENT TRAILER SURPLUS AND AUTHORIZE ITS SALE TO THE LYON COUNTY ROAD DEPARTMENT FOR \$8,000**

**E. DEVELOPMENT SERVICES**

**i. ACTION ON DEDICATION OF AN EASEMENT FOR PUBLIC SEWER ACCESS AND FOR THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER LINES AND APPURTENANCES ON APN 02-536-17 LOCATED AT 4160 MINA WAY**

**ii. ACTION ON REQUEST FOR FINAL PAYMENT ON THE SLUDGE DEWATERING PROJECT, CONTRACT NO. 9899-15 AS SUBMITTED BY DEVELOPMENT SERVICES TO K. G. WALTERS CONSTRUCTION COMPANY, INC., P. O. BOX 4359, SANTA ROSA, CA 95402, FOR A FINAL PAYMENT AMOUNT OF \$261,429 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**iii. ACTION ON REQUEST FOR FINAL PAYMENT FOR THE UTILITY**

**IMPROVEMENT PLANS FOR LONE MOUNTAIN CEMETERY OFFICE RELOCATION PROJECT, CONTRACT NO. 9900-270 AS SUBMITTED BY DEVELOPMENT SERVICES TO CANYON CREEK CONSTRUCTION, P. O. BOX 21270, CARSON CITY, NV 89721, FOR A FINAL PAYMENT AMOUNT OF \$1,592.95 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**iv. ACTION ON THE CONSTRUCTION MATERIALS TESTING FOR CARSON CITY FREEWAY PHASE 1A RELOCATION PROJECT, AMENDMENT NO. 2, CONTRACT NO. 9900-171 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE CLAIM FORMS TO HARDING LAWSON, 961 MATLEY LANE, SUITE 110, RENO, NV 89502, FOR AMENDMENT NO. 2 NOT TO EXCEED COST OF \$58,000**

**v. ACTION ON REQUEST FOR FINAL PAYMENT FOR THE COMBINED SHERIFF AND FIRE DISPATCH FACILITY PROJECT, CONTRACT NO. 9900-042 AS SUBMITTED BY DEVELOPMENT SERVICES TO JOHN ANDERSON CONSTRUCTION, INC., 490 HOT SPRINGS ROAD, CARSON CITY, NV 89706, FOR FINAL PAYMENT AMOUNT OF \$75,426.26 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**vi. ACTION ON THE JUVENILE SERVICES - PROBATION FACILITY PROJECT, CONTRACT NO. 9900-139 FOR APPROVAL OF CHANGE ORDERS 1-6 FOR AN INCREASE TO THE CONTRACT SUM OF \$49,996.39 AND AUTHORIZE THE CONTRACTS DIVISION TO EXECUTE ADDITIONAL CHANGE ORDERS FOR A NOT TO EXCEED AMOUNT OF \$10,827.61** - Discussion noted Item E. iv. had been pulled. Supervisor Plank moved to approve the 12 remaining items on the Consent Agenda as presented. This does not include item number 11 on the list. Discussion indicated the total number of items for approval on the Consent Agenda was 12 as indicated in the motion. Supervisor Williamson seconded the motion. Motion carried 5-0.

## **6. BOARD OF SUPERVISORS**

**A. PRESENTATION BY THE DIVISION OF STATE LANDS ON THE PUBLIC LANDS POLICY UPDATE PROJECT (1-0262) (1-0853)** - Public Lands Planner Mark Farman distributed several documents to the Board and Clerk. (A copy is in the file.) Division of State Lands Administrator Pamela Wilcox explained the purpose of her agency, the policy, the need to update the State Public Lands Policy and the Federal Land Transition Act which allows BLM to sell surplus property and use the funds on other intrastate projects. Carson City's decision to maintain the BLM sites within its boundaries as open space and how this will occur under this Act were noted. Discussion indicated that the State Lands Use Planning Advisory Committee had not had a meeting for sometime and needed to consider the update. Benefits of having the committee were noted. Supervisor Bennett encouraged the Board to appoint another Board member to this Committee when her term ends. Mr. Farman reviewed the Public Lands Policy Update pamphlet. The public was encouraged to attend the workshops or submit comments via e-mail. Comments explained the funding for the update. Public awareness of the value of open space had been increasing since 1985. Increasing demands for access to these areas and the economic impacts were noted. A copy of the City's Open Space plan is to be submitted to Mr. Farman. The schedule had only been developed for one month due to the desire to be flexible and meet the public needs. The mailing list was cited to illustrate the public interest in the process and to justify the need for flexible scheduling. Supervisor Bennett complimented them on their efforts to reach out to the Counties. Public comments were solicited but none given. Mayor Masayko thanked them for their presentation and invited the public to attend the Carson City meeting on October 30th at Western Nevada Community College in the Reynolds Building at 7 p.m.

**B. ACTION ON A RESOLUTION IN SUPPORT OF DESIGNATING CARSON CITY AS A KOREAN WAR COMMEMORATIVE COMMUNITY (1-0278)** - Mayor Masayko introduced Todd Jennings and explained his discussion with him regarding the topic. Mayor Masayko read the Resolution into the record. Supervisor Livermore moved to adopt Resolution No. 2000-R-45, A RESOLUTION IN SUPPORT OF CARSON CITY'S DESIGNATION AS A KOREAN WAR COMMEMORATIVE COMMUNITY. Supervisor Plank seconded the motion. Discussion corrected the reading of the resolution to indicate that 103,000 Americans had been wounded in the war. Supervisor Williamson looked forward to the events and volunteered her services. Armand Arnett explained his retirement from Nevada Bell and his community involvement since that date. He

thanked the Board for the recognition and explained why such recognition is so important to the veterans. He announced his dedication plans for the Dayton Veterans Garden to be held on November 11 at 9 a.m. at the Dayton Cemetery and invited the public to participate. The motion to adopt Resolution No. 2000-R-45 was voted and carried 5-0.

Mr. Jennings thanked the Board for the resolution and read the Secretary of Defense Certificate designating the City as a commemorative community, which he presented to Mayor Masayko. He displayed a flag which is to fly over the City Hall. He presented Veterans pins and pamphlets to the Board. (A copy was not given to the Clerk.) Booklets, pamphlets, and brochures were available for any school upon request. He thanked the Veterans who were present for their efforts. Mayor Masayko asked the Korean War Veterans in attendance to stand and be recognized. Comments were solicited but none given. Mayor Masayko indicated that the Board and community were looking forward to the events scheduled for the next 2-1/2 to 3 years commemorating the Korean War effort. He also indicated that commemorative buttons are available from the Veterans.

**C. ACTION ON A RESOLUTION STATING THE BOARD OF SUPERVISORS' OPPOSITION TO THE "NEVADA TAX FAIRNESS AND QUALITY SCHOOL FUNDING ACCOUNTABILITY ACT" KNOWN AS THE TEACHERS' UNION FOUR PERCENT BUSINESS INCOME TAX INITIATIVE PETITION (1-0515)** - Mayor Masayko noted the concerns with the proposal relating to the imposition of an income tax and its intent to fund schools. The resolution is not an act against teachers, education or school accountability. The impact of the proposed fifty percent dedication of General Fund monies to education would have on other health, safety, and senior needs was noted.

Chamber of Commerce Executive Vice President Larry Osborne acknowledged the number of supporters for both sides of the initiative. Although all of his supporters were not present, they had expressed a willingness to make a presentation if requested. The Chamber is a member of the Nevada Pro-Educational Alliance, which he described. The Chamber's support for the local school bond was explained. The Alliance will make a presentation to the Legislature regarding the initiative and other funding mechanisms supported by the Legislature. The initiative will not solve local needs but will threaten economic development and diversification at a time when energy should be dedicated to addressing the gaming threats. The proposal to allocation one-half of the General Fund revenue for education will impact other State services as it does not provide another revenue source for those services. Will it pass the services on to the local governments and force them to find the funding? Other federal unfunded mandates are being foisted onto local governments. An additional one is not needed. The resolution will send a clear message to the elected representatives indicating opposition to the initiative. Similar resolutions and support from other Counties/communities were noted. A legal challenge has been filed regarding the constitutionality of the proposal.

Mayor Masayko read the resolution into the record. Supervisor Bennett moved to adopt Resolution No. 2000-R-46, A RESOLUTION STATING THE CITY'S OPPOSITION TO THE "NEVADA FAIRNESS AND QUALITY SCHOOL FUNDING ACCOUNTABILITY ACT" KNOWN AS THE TEACHERS' UNION FOUR PERCENT BUSINESS INCOME TAX INITIATIVE PETITION. Supervisor Livermore seconded the motion.

Carson City Superintendent of Schools Jim Perry indicated that he was speaking for the current School Board President and that they trusted the current legislative process with the input of the Governor. The trust is due to the fact that the process is backed by the electorate and is a representative process. Doreen Mack, as a small business proprietor of Lofty Expressions and as the President of the Telegraph Square Marketing Group, noted the progress the group had made during the past year. These small businesses are struggling to stay afloat with the current economy. One more tax is not needed. They support the school district with time and donations. The proposal will take away from the community, reduce the contributions, and increase the struggle to stay in business. Cheryl Blumstrom, speaking for the Nevada Chapter of the Associated General Contractors, the Nevada Mechanical Contractors Association, and herself as a property owner and a small businesswoman in Carson City who will be subject to the tax, urged the Board to support the resolution. Additional testimony was solicited but none given. Mayor Masayko thanked the business representatives and Chamber members for attending the

meeting. The motion to adopt the resolution was voted and carried 5-0.

**D. DISCUSSION AND POSSIBLE ACTION ON LEGISLATIVE MATTERS (1-1224) - None.**

**E. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1228)** - Supervisor Livermore explained that the Hospital's flu shot program will occur later in the year due to lack of vaccine. The Hospital has an adequate supply of flu vaccine to meet the needs of high risk individuals. He then reported on meetings/functions of the Hospital Board of Trustees; Health Smart/Healthy Communities Coalition; the search for a new fairgrounds location; and with Gene and Judy Lepire regarding the Costco project which indicates there are still issues which need to be resolved. Supervisor Bennett acknowledged the time, energy and effort Supervisor Livermore was dedicating to the Hospital and urged the Board to support him in those efforts. She then reported on meetings/functions of the TRPA; the Nevada-Tahoe Conservation District; Bonnie Parnell and encouraged the Board to meet with her regarding Carson City's legislative issues; the median beautification project; and the Silver Springs airport. She encouraged the Board to visit Tahoe and enjoy the vista. Supervisor Williamson reported on meetings/functions of the One Vision-One Region; National Public Lands Day and the opening of the Silver Saddle Ranch; Democratic Womens Candidates Barbeque; the Redevelopment Authority Citizens Committee; Larry Werner regarding the Development Services Division; Frieda Ford regarding potential funding sources for the Childrens Museum; Supervisor Livermore and Hospital Administrator Steve Smith regarding the Hospital affiliation review process in addition to several telephone calls on this topic; United Way Community Building; Carson Valley Conservation District; Carson River Advisory Committee; her sister's recognition as the Access to Justice Pro Bono Practitioner of the Year and the other award recipients; the swearing-in ceremony for the State Bar; and the Carson Girls Soccer Team game against Douglas High. Supervisor Plank reported on his class reunion and meetings/functions/activities of the Regional Transportation Commission; Supervisor Livermore and Hospital Administrator Steve Smith regarding affiliation; Parks and Recreation Commission; and the Street Department. He also announced his plans to attend meetings of the Western Nevada Development District on the 10th; Regional Transportation Commission on the 11th; and fundraisers for the Library and the Republican Central Committee. Mayor Masayko reported on his meetings/functions/activities of the Governor's Commission on Aging goal setting and announced its follow-up meeting which will be held on October 31 in Las Vegas; Silver Saddle dedication and Public Lands Day and complimented staff for its participation in the activities; Carson Colony's Honor the Elders; Chamber of Commerce Transportation Committee; Carson-Tahoe Hospital Foundation's consultant regarding the future of the cancer treatment center; Supervisor Livermore and Hospital Administrator Steve Smith regarding affiliation; Airport Authority; Builders Association Legislative Committee on the One Stop Shop; the Japanese Deputy Consul from San Francisco for Legislative Affairs; and the Children's Museum Breakfast Club.

**F. STAFF COMMENTS AND STATUS REPORTS (1-2272) - None.**

**7. TREASURER - ORDINANCE - FIRST READING - ACTION TO AMEND CARSON CITY MUNICIPAL CODE 4.04.107, PUBLIC UTILITIES, TO CHANGE HOW THE TERM "PUBLIC UTILITY" IS DEFINED AND TO ADD SECTIONS G AND H WHICH APPLY TO PUBLIC UTILITIES WHO OWE FEES IN AN AMOUNT LESS THAN \$50 PER QUARTER (1-2275) - Pulled.**

BREAK: A recess was declared at 10:20 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:30 a.m., constituting a quorum.

**8. DEVELOPMENT SERVICES - STREETS - ACTION TO APPROVE A RESOLUTION BASED ON A RECOMMENDATION FROM THE SHADE TREE COUNCIL REQUESTING APPROVAL FOR A STREET TREE PROGRAM TO ALLOW FOR COST SHARING BETWEEN CARSON CITY AND A WILLING ADJACENT PROPERTY OWNER TO PLANT TREES WITHIN THE CITY'S RIGHT-OF-WAY (1-2279)** - Shade Tree Council Chairperson Sally Zola, Street Operations Manager John Flansberg, Parks Superintendent Scott Fahrenbruch - Discussion explained the purpose of the program, the program, its funding source, the estimated cost for the trees, the flexibility provided in the program for the type and size of the trees,

and the replacement criteria. The program should be implemented by March 2001. The program does not prohibit a property owner from planting or replacing trees at his own cost. Board comments complimented the program and its ability to use both private and public funding. The program is to be flexible enough to be able to support all types of property owners including homeowners associations, who could be the adjacent property owners. Mr. Fahrenbruch indicated that, as the program is restricted to the City right-of-way, other tree programs may be developed in the future under the "Street Tree Beautification Program". This could include the street medians. Supervisor Plank suggested that individuals who are placed on a waiting list be informed as to an approximate date when they may expect a tree to be planted. Comments also indicated that the program could be used to replace trees which have damaged the curb/sidewalks or have health problems. This may help obtain property owners' support for the curb/sidewalk program. Mr. Flansberg indicated that the arborist's role will be to insure that the trees which will be planted will be deep rooted and not create future problems for the City sidewalks and curbs. Supervisor Livermore moved to adopt Resolution No. 2000-R-47, A RESOLUTION FROM THE SHADE TREE COUNCIL REQUESTING APPROVAL FOR A STREET TREE PROGRAM and read the entire Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 5-0. Mayor Masayko noted that Shade Tree Council Member Craig Hartman was present and supported the program.

**9. DISTRICT ATTORNEY - Chief Deputy District Attorney Mark Forsberg**

**A. ACTION AND APPROVAL OF AN AGREEMENT BETWEEN THE STATE OF NEVADA, DEPARTMENT OF HUMAN RESOURCES WELFARE DIVISION AND THE CARSON CITY DISTRICT ATTORNEY CHILD SUPPORT DIVISION TO AMEND THE EXISTING COOPERATIVE AGREEMENT BY WHICH CARSON CITY RECEIVES SUBSTANTIAL REIMBURSEMENT FUNDING FOR THE COLLECTION OF CHILD SUPPORT OBLIGATIONS BY THE DISTRICT ATTORNEY'S OFFICE, INCLUDING SALARIES AND EQUIPMENT FOR THE PERFORMANCE OF THIS FUNCTION TO EXTEND ITS TERM FROM SEPTEMBER 30, 2001, TO MARCH 31, 2001, AND TO INCLUDE THE NEW INCENTIVE PAYMENT SCHEDULE AND OTHER MATTERS PROPERLY RELATING THERETO (1-2805)** - Mr. Forsberg corrected the term to be from September 30, 2000 to March 31, 2001. Supervisor Bennett moved to approve an agreement between the State of Nevada, Department of Human Resources Welfare Division and the Carson City District Attorney Child Support Division to amend the existing cooperative agreement by which Carson City receives substantial reimbursement funding for the collection of child support obligations by the District Attorney's office including salaries and equipment for the performance of this function to extend its term from September 30, 2000, to March 31, 2001, and to include the new incentive payment schedule and other matters properly related thereto; fiscal impact of the agreement is a substantial reimbursement funding for the collection of child support obligations by the District Attorney's office. Supervisor Plank seconded the motion. Mayor Masayko noted that the agreement terminates in March which will change its fiscal year. Motion carried 5-0.

**B. ACTION TO APPROVE AN AGREEMENT BETWEEN THE STATE OF NEVADA, DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY, AND THE CITY PURSUANT TO ORDINANCE NO. 1986-28 EMPOWERING THE STATE OF NEVADA, DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY, TO ADMINISTER AND ENFORCE ALL PROVISIONS PERTAINING TO THE COLLECTION OF ALL COUNTY MOTOR VEHICLE FUEL TAXES AND FOR ADMINISTRATIVE EXPENSES IN THE COLLECTION OF COUNTY MOTOR VEHICLE TAXES IN AN AMOUNT EQUAL TO ONE-HALF OF ONE PERCENT OF THE GROSS TAX COLLECTED AS PROVIDED FOR IN SAID ORDINANCE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2900)** - Finance Director David Heath felt that the agreement dealt with the collection of all fuel taxes. Mayor Masayko noted for the record that the State has an agency whose sole purpose is the collection of taxes. This adds another agency to the collection process. He also expressed his unhappiness at the clause indicating that the fee for collection of the tax would be greater than half of one percent particularly if the Department's fee is greater than that of the other agency. Supervisor Bennett indicated that with great reservations she would make the motion due to her feeling that the process would have to be watched very, very carefully. Supervisor Bennett then moved to approve an agreement between the State of Nevada, Department of Motor

Vehicles and Public Safety, and the City pursuant to Ordinance No. 1986-28 empowering the State of Nevada, Department of Motor Vehicles and Public Safety, to administer and enforce provisions pertaining to the collection of all county motor vehicle fuel taxes and for administrative expenses in collection of county motor vehicle taxes in an amount equal to one-half of one percent of the gross tax collected as provided for in said ordinance and other matters properly related thereto. Supervisor Plank seconded the motion and noted that the agreement becomes effective January 1, 2002, and will remain in effect until terminated by mutual agreement of the parties. Mayor Masayko noted that termination must be by mutual agreement and questioned whether it would be possible to terminate the agreement. It could not be terminated unilaterally. Supervisor Livermore pointed out that, although the staff report indicates there is no fiscal impact, the City would be giving up one-half of one percent of the revenues. Mayor Masayko felt that this is the same fee as is currently being charged by the Department of Taxation. Supervisor Plank felt that the agreement changed agencies. Mayor Masayko hoped that the one-half of one percent still prevails. Supervisor Bennett pointed out the Department of Motor Vehicles expertise in the collection of other motor vehicle fees/taxes. Mayor Masayko agreed that they do collect registration fees and taxes which may provide expertise in the collection of fuel taxes. Mayor Masayko reiterated that the agreement would not be effective until January 2002. The motion to approve the agreement was voted and carried 5-0.

### **C. ORDINANCES - FIRST READING**

**i. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 10.22 (RECKLESS DRIVING - PERSONS UNDER THE INFLUENCE OF LIQUOR, DRUGS) ADDING SECTION 10.22.017 DRINKING ALCOHOLIC BEVERAGE WHILE DRIVING MOTOR VEHICLE UNLAWFUL; UNLAWFUL TO HAVE OPEN CONTAINER OF ALCOHOLIC BEVERAGE WITHIN PASSENGER AREA OF MOTOR VEHICLE WHILE ON HIGHWAY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (1-3082)** - Comments questioned whether open alcoholic beverage containers would be allowed in the passenger area of limousines. Supervisor Williamson moved to introduce Bill No. 127, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 10.22 (RECKLESS DRIVING - PERSONS UNDER THE INFLUENCE OF LIQUOR, DRUGS) ADDING SECTION 10.22.017 DRINKING ALCOHOLIC BEVERAGE WHILE DRIVING MOTOR VEHICLE UNLAWFUL; UNLAWFUL TO HAVE OPEN CONTAINER OF ALCOHOLIC BEVERAGE WITHIN PASSENGER AREA OF MOTOR VEHICLE WHILE ON HIGHWAY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; fiscal impact is none although the person cited will pay a fee. Supervisor Plank seconded the motion. Motion carried 5-0.

**ii. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 8.28 (FINGERPRINTING CERTAIN EMPLOYEES) AMENDING SECTION 8.28.150 AGENTS AND EMPLOYEES OF CHILD CARE FACILITIES--GROUNDS FOR REFUSAL TO ISSUE WORK PERMIT--REVOCATION OF WORK PERMIT AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO (1-0024)** - Supervisor Williamson expressed her concern about the applicant's legal rights as the individual may be unable to afford either the time or money necessary to refute allegations of wrong doing without the workcard. An employer should have other discovery avenues or mechanism without having to rely upon the City's workcard. Mr. Forsberg explained the liability which could be created if the City approves the workcard and the individual obtains work in an area and repeats the offense. He agreed that it could restrict an individual's employment opportunities. Issuance of a workcard and then revoking it, as currently allowed under the ordinances, is an absurd circular process which could be expensive for the applicant. A more forthright process is to deny the applicant in the beginning. Discussion explained the current process which Supervisor Williamson felt provided the employer with adequate notice even though the individual would be able to continue to work in the field until the entire revocation process is completed. The employer does not have to discharge the individual during the process. Examples of individuals who have been falsely accused and their inability to work due to the lack of a workcard were explained. Supervisor Bennett expressed her desire to error on the side of caution in this case due to her concern regarding the safety and welfare of the children. The individuals could find work in other areas which would not place them in a compromising situation. A workcard is a privilege. She urged the Board to error on the side of caution and grant the Sheriff the appropriate tools.

Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 128, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 8.28 (FINGERPRINTING CERTAIN EMPLOYEES) AMENDING SECTION 8.28.150 AGENTS AND EMPLOYEES OF CHILD CARE FACILITIES--GROUNDS FOR REFUSAL TO ISSUE WORK PERMIT--REVOCATION OF WORK PERMIT AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 4-1 with Supervisor Williamson voting Naye.

**D. ORDINANCE - SECOND READING - ACTION ON BILL NO. 126 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER (CCMC) TITLE 11 HIGHWAYS AND SIDEWALKS, CHAPTER 11.12 OBSTRUCTION, MAINTENANCE AND CONSTRUCTION OF HIGHWAYS AND SIDEWALKS BY ADDING SECTION 11.12.120(5) AND 11.12.130(3) PROVIDING FOR OWNER'S LIABILITY FOR INJURIES FOR FAILURE TO REMOVE SNOW OR TO RECONSTRUCT AND OTHER MATTERS PROPERLY RELATED THERETO (2-0205) -** The curb and sidewalk repair program enhances the City's position that the property owner should be liable for the maintenance. Supervisor Bennett moved that the Board of Supervisors adopt on second reading Bill No. 126, Ordinance No. 2000-26, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER (CCMC) TITLE 11 HIGHWAYS AND SIDEWALKS, CHAPTER 11.12 OBSTRUCTION, MAINTENANCE AND CONSTRUCTION OF HIGHWAYS AND SIDEWALKS BY ADDING SECTION 11.12.120(5) AND 11.12.130(3) PROVIDING FOR OWNER'S LIABILITY FOR INJURIES FOR FAILURE TO REMOVE SNOW OR TO RECONSTRUCT AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Mayor Masayko noted a typographical error on the Board Action Request Form. Supervisor Bennett amended her motion to reflect Snow within the title. Supervisor Livermore concurred. Motion carried 5-0.

**10. CITY MANAGER - CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES (2-0283) -** Supervisor Bennett moved that the Board of Supervisors move into closed session. Supervisor Livermore seconded the motion. Following a request for an amendment, Supervisor Bennett amended her motion to include for the purpose of meeting with management representatives. Supervisor Livermore concurred. Motion carried 5-0. Mayor Masayko recessed the Open Session at 11:20 a.m.

**BREAK:** At the end of the Closed Session a recess was declared--approximately 1:05 p.m. Mayor Masayko reconvened the session at 6:05 p.m. at the Nevada State Legislative Building, Room 3100, 401 South Carson Street, Carson City, Nevada. Senator Lawrence Jacobsen, Assembly Speaker Joe Dini, Assemblyman Lynn Hettrick and Assemblywoman Bonnie Parnell were present. Board Members present were Mayor Ray Masayko and Supervisors Robin Williamson, Jon Plank, Pete Livermore, and Kay Bennett, constituting a quorum. Douglas County Commissioners present were: Chairperson Jacques Etchegoyhen, Commissioners Bernie Curtis, Kelly Kite, Don Miner, and Steve Weissinger; constituting a quorum. Lyon County Commission Chairperson LeRoy Goodman and Commissioner Phyllis Hunewill were present. A quorum of the Lyon County Commission was not present. Carson-Tahoe Hospital Board of Trustee Members present were: Chairperson Tom Metcalf, Trustees Jo Saulisberry, Pete Livermore, Basil Chryssos, and Caleb Mills; constituting a quorum. NACO Executive Director Bob hadfield was present. Staff members present were: Carson City Manager John Berkich, Douglas County Manager Dan Holler, and Lyon County Manager Steve Snyder. Carson-Tahoe Hospital Administrator Steve Smith. Other City staff members who were present were: Health Director Daren Winkelman, Chief Deputy District Attorney Mark Forsberg, Administrative Assistant Liz Teixeira, and Recording Secretary Katherine McLaughlin. Consultant Mary Walker of Walker and Associates was present.

**DISCUSSION ON LEGISLATIVE ITEMS (3-0040) -** Mayor Masayko reconvened the meeting at 6:05 p.m. by welcoming those in attendance. The purpose of the joint session was explained. A quorum of the Board was present although Supervisor Williamson did not arrive until 6:10 p.m. Chairperson Etchegoyhen reconvened the Douglas County Commissioners. A quorum was present. A quorum for the Lyon County Commissioners was not present. Chairperson Metcalf convened the Hospital Board of Trustees. A quorum was present although Trustee



Saucedo was absent. Mayor Masayko described the protocol and the agenda for the meeting.

**A. INTERIM LEGISLATIVE COMMITTEES (3-0082)** - Assemblyman Hettrick reported on reapportionment and redistricting and stressed the need to complete the process within the established legislative session. Estimated costs for adding legislators were noted. Staffing should not be considered a part of the legislators costs as he felt they come as services and population require. Justification was provided for adding legislators rather than maintaining the same number and enlarging the area represented. He suggested five assemblymen and two senators be added. He then reported on the Fundamental Review Committee. Efforts were being made to save between \$20 and \$40 million. A work session was scheduled for October 12 and 13.

(3-0172) Speaker Dini reported on the Integration of State and Local Child Welfare System Committee. He emphasized his intent to be sure that the ultimate program meets the needs of the rural areas as well as the urban areas. The recommended program allows the urban areas to takeover the service while the State continues to maintain the rural area programs. Both services should provide the same coverage for its clientele. He also supported increasing the number of legislators. The importance of reapportionment and redistricting was noted. The census information should be released by March 1st. This will not leave much time for the lines to be drawn. Discussion suggested that each County and NACO submit resolutions supporting additional seats and lobby Las Vegas for its support.

(3-0394) Senator Jacobsen encouraged more meetings of this nature. The Regional Juvenile Youth Facility in Silver Springs was cited as a benefit derived from such meetings. He then reported on the Juvenile Justice System Committee. The need for accountability in the program was stressed. Although crime is decreasing, domestic violence is increasing. Its need for recognition and program development was noted. The Marlette and Hobart water system was described. He offered to take anyone wishing to tour the facility on Memorial Day next year. He then reported on the Veterans Commission for Nevada efforts. He stressed his intent to make sure that when the Veterans' home opens it will be usable and the best money can provide. He urged those in attendance to tour the facility. He then reported on his involvement regarding high level waste. He felt that the "train is coming" regardless of the efforts. He urged everyone to tour the proposed site in order to better understand the situation. Reasons for feeling that the "train is coming" were briefly noted. His involvement with Stewart, the status of a portion of the facility, the possibility that the City could utilize a portion of it, and the State agencies located there were limned. Supervisor Bennett briefly noted the Subconservancy's proposal to expand and use water from Marlette and volunteered to brief Senator Dini on the proposal later. Senator Dini also complimented Mr. Hadfield on his ability to attend meetings with short notification and to comprehensively respond to questions on a variety of issues.

Mayor Masayko explained Senator Amodei's absence. (3-0617) Assemblywoman Parnell supported the regional concept and complimented the participants on their willingness to work together on the issues. She then explained her work on the School Safety and Juvenile Violence Committee and described its recommendations. The concept will develop a mutual aid process whereby neighboring counties could respond to a school crisis in another county. She then reported on the Encouraging Businesses to Organize and Conduct Business in Nevada Committee and its recommendations. Concerns were expressed that economic development supported urban areas at a cost to the rural areas and encouraged a change in philosophy to support rural economic development. Assemblywoman Parnell suggested that the rural communities develop these concerns and present them to the Committee. Chairperson Goodman suggested that tourism be considered for rural areas. Assemblywoman Parnell indicated that the Committee had not considered incentive programs although cash credits and tax incentives may be submitted. The business court proposal had been modeled after Delaware's. Its purpose was limned. Assemblyman Goldwater's committee had been considering the internet taxation issue. It may be addressed by the Assembly Taxation Committee. NACO's adopted position on this issue was noted and will be brought forward.

(3-0868) Ms. Walker reported on the Task Force on Access to Public Health. Supervisor Bennett reported on the TRPA recommendations and its activities. Commissioner Miner noted TRPA's environmental concerns and

efforts.

(3-1001) Ms. Walker then reported on the SB 253 Committee Distribution Among Local Governments of Revenue from State and Local Taxes, its recommended tax revisions, the Committee on Limitations on Damages, and its recommendations. Mr. Hadfield explained the criticism encountered regarding the recommendations submitted to the last Legislature by the Committee on Limitations on Damages, reasons for this criticism, the efforts to find a revenue source to fund the program, and its control. Ms. Walker expressed her concerns that the program may be pushed through before all of the issues can be resolved. The current coverage limitation was described to justify the revision.

(3-1308) Mr. Hadfield reported on the Long Term Care Committee. A recommendation has not yet been finalized although it is felt that the State should be responsible for handling this service. A bill draft has been reserved. The program may phase the transfer over a 20 year period. Current funding problems were described. Governor Guinn had purportedly indicated a willingness to help address this situation.

**B. 2001 LEGISLATIVE SESSION (3-1374)** - Speaker Dini explained the possibility that the three deadlines may be moved three days each. The deadline for the Teachers Business Tax Initiative was noted. The need for compromises and negotiations to occur prior to the session helps expedite the process once session begins. The meeting this evening was cited as an illustration of how this process works.

**BREAK:** A recess was declared at 7:35 p.m. A quorum of the Carson City Board of Supervisors, the Douglas County Commission, and the Carson-Tahoe Hospital Board of Trustees was present when Mayor Masayko reconvened the meeting at 7:45 p.m.

**C. LOCAL GOVERNMENT BILL DRAFT REQUESTS FROM CARSON CITY, DOUGLAS COUNTY, LYON COUNTY, CARSON-TAHOE HOSPITAL, AND THE NEVADA ASSOCIATION OF COUNTIES (3-1495)** - Copies of the bill drafts are contained within the Board packet. Mayor Masayko described the protocol to be followed in discussing the bill drafts. He then highlighted the Carson City bill drafts. Discussion suggested that the BDR 384, funding for transit and storm drainage, include major capital facilities. Discussion ensued concerning whether to include maintenance and operations, however, they were not added. Carson City's concept would place the funding question before the electorate in a special election rather than wait for the next general election. Chairperson Etchegoyhen highlighted BDR 507. Carson City's Airport Authority had already supported the concept. Ms. Walker highlighted BDR 508, described the concerns, and explained committee's composition and supporters. She requested a resolution of support from the Counties. Chairperson Goodman explained his efforts on it. He then highlighted BDR 335 and BDR 336. Chairperson Metcalf highlighted BDR 436 and the proposed bill draft to increase the amount of rural hospital trustees' stipend.

Ms. Walker highlighted the bill draft regarding regional health care planning organization. Mr. Berkich explained the history of the proposal, the establishment of a coalition, the regional discovery of a real need for this type of service, and introduced the coalition members who were present. Clinical Psychologist David Schroeder explained the services which will be provided by the program and the model which had been developed. Efforts are underway to streamline the program, eliminate overlaps, and fill any service gaps. Washoe and Clark Counties have similar efforts underway. Mr. Berkich explained the networking efforts which are being pursued. He hoped that the final product would be like the Regional Juvenile Justice Program. Supervisor/Trustee Livermore noted the Hospital study of mental health services which justified establishment of the coalition and its program. Rural Communities Health Centers Larry Buell explained his program and its commitment to mental health issues. The coalition has been helping keep the "patients" out of the hospital. He hoped that the program would become a reality in view of his funding restrictions. Ms. Walker explained the need for the program to obtain a State certificate of need and its ability to obtain State grant funds for this purpose.

Ms. Walker then highlighted BDRs 337 and 414. Discussion indicated that no other changes were proposed to SB 323 regarding manufactured homes. Ms. Walker then highlighted the Business Economic Impact Statement

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revisions and BDR 408.

Mr. Hadfield noted the reduction in county submitted bills and the increase in NACO's bills. He then referenced his packet of bill drafts. He stressed the Counties desire for flexibility as indicated in the bill draft revising fees. Highlights for each of the bill drafts were provided. Comments indicated that the NACO members supported the elected officials salary revisions. Its flexibility in implementing the new salaries was noted. Letters of support may be requested. Legal concerns regarding such enabling legislation were limned. Assemblyman Hettrick agreed to discuss the issues with Mr. Hadfield later. Mr. Hadfield continued to highlight the other bill drafts. He committed to having all of the bill drafts reaffirmed by his members prior to submittal for legislative consideration.

Mayor Masayko thanked all for participating and attending the meeting. It had provided a good exchange of ideas in an open and candid fashion. Public comments were solicited but none given. Commissioner Curtis moved to adjourn. Commissioner Weissinger seconded the motion. Motion carried unanimously. Chairperson Etchegoyhen adjourned the Douglas County Commission. Trustee Saulisberry moved to adjourn. Trustee Chryssos seconded the motion. Motion carried unanimously. Chairperson Metcalf adjourned the Carson-Tahoe Hospital Board of Trustees. Supervisor Plank moved to adjourn. Supervisor Bennett seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the Carson City Board of Supervisors at 8:40 p.m.

The Minutes of the October 5, 2000, Carson City Board of Supervisors meeting

2001. ARE SO APPROVED ON\_\_February\_1\_\_,

\_\_\_\_\_  
/S/  
Ray Masayko, Mayor

ATTEST:

\_\_\_\_\_  
/S/  
Alan Glover, Clerk-Recorder