

CARSON CITY CHARTER REVIEW COMMITTEE
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A regular meeting of the Carson City Charter Review Committee was held on Wednesday, April 29, 1998 in the City Hall Capitol Conference Room, 201 N. Carson St., Carson City, NV at 5:00 p.m.

PRESENT: Chairperson Jim Cavilia
Vice Chairperson Shelly Aldean
Blair Allen
Pat Jackson
Donna Kuester
Dick Murray
Vivian Pickett
Tunney Robison
Lucille Zuend

STAFF: Paul Liparelli, Chief Deputy District Attorney
Fran Smith, Recording Secretary
(CHT 4/28/98 1-0000.5)

NOTE - Unless otherwise indicated each item was introduced by Chairperson Cavilia. Individuals speaking are identified following the heading of each item. 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.

1. CALL TO ORDER - Chairperson Cavilia called the meeting to order at 5:01 p.m. A roll call was taken and a quorum was present although Member Burau was absent and Member Allen did not arrive until 5:05 p.m.

2. APPROVAL OF MINUTES - Member Murray moved to approve the Minutes of the March 24, 1998 meeting. Member Pickett seconded the motion. Motion carried 6-0-2-0.

3. DISCUSSION REGARDING RESOLUTIONS PRESENTED TO THE BOARD OF SUPERVISORS BY THE 1996 CHARTER REVIEW COMMITTEE - (1-0033.5) Chairperson Cavilia was not sure there was anything formal advising the Committee what had happened. He referred to the most recent copy of the charter in the packet where the amendments made in 1996 were highlighted. He added that the changes regarding zoning and Master Plan had been requested by Community Development. Member Murray commented that the changes were a compendium of all the changes made by the Charter Review Committees in all counties of the state. Chairperson Cavilia said the Legislature can amend this statute just as they can any other with or without the consent or input from any entity in Carson City. Mr. Liparelli was not yet present and he deferred further discussion until he was.

4. DISCUSSION AND POSSIBLE ACTION REGARDING WRITTEN AND ORAL COMMENTS FROM DEPARTMENT HEADS - (1-0099.5) Al Kramer, Carson City Treasurer - Chairperson Cavilia said the only comments that had been received were: 1. A proposal to amend Section 1.06 regarding the election of supervisors by wards. Member Aldean explained this had to do with establishing a fifth ward and eliminating the position of mayor with a rotating chairmanship. She said the idea was although there might be a new person elected mayor the insinuation is that the mayor has more authority than the other members of the Board. She felt that changing the Charter to reflect the additional ward would be more democratic. She commented that she had spoken to Supervisor Plank as to whether he, as an example, had any problem assuming the responsibility of being the Chairman of the Board of Supervisors for a year. She said he had no reservations if it was only for a year. However, she said the only disadvantage to this system would be that the Chairman would have to assume all the responsibilities the Mayor is enjoined to take care of. She also felt that the Committee should consider adjusting the Mayor's compensation upward. Mr. Kramer commented that a lot of paperwork comes through addressed to a particular person but every time there is a change in mayor for months after that the mail goes to the previous mayor and other documents that come in for the current person have to be changed and re-routed to the new

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person. Chairperson Cavilia commented if the Members want to discuss this it could be agendized as a specific item. Member Kuester felt out of fairness to Member Aldean this should be agendized. No formal action was taken.

(1-0185.5) At this point Chairperson Cavilia went to Item 7.

7. PUBLIC COMMENTS ON NON-AGENDIZED ITEMS. ANY MATTER REQUIRING COMMITTEE DISCUSSION OR ACTION WILL BE AGENDIZED FOR A FUTURE MEETING - (1-0191.5) Mr. Kramer noted he was requesting a change in sections, starting with 3.020, relating to the requirement that elected City officers are prohibited from having any other business or occupation. He noted that, with the exception of Sparks, no other cities have this restriction. He asked that wording be added to some subsections, starting with 3.030, that says "that creates a conflict of interest".

(1-0201.5) He presented another issue, relating to Section 3.030-2f, to delete "other duties as may be imposed by the Board or" from the phrase "other duties as may be imposed by the board or by the provisions of the Nevada Revised Statutes"...

(1-0203.5) Mr. Kramer said he had talked to Legislator Mark Amodei who had said these were unenforcable. He asked if they cannot be enforced why are they there. He then cited details of a personal situation relating to this requirement which had caused his wife additional expenses with regard to her business and felt this is to a degree a case of discrimination.

(1-0269.5) Mr. Kramer then said his other item related to what the duties of the elected officials are. He felt the three departments who receive the most criticism from the Board are the District Attorney, the Sheriff, and sometimes the Assessor, and cited problems that had occurred in that respect. No formal action was taken.

5. DISCUSSION AND ACTION ON SELECTION OF INDIVIDUAL(S) TO MAKE A PRESENTATION ON FINAL DOCUMENT(S) TO THE BOARD OF SUPERVISORS AND LEGISLATURE - (1-0433.5) Chairperson Cavilia continued this to the next meeting. Member Kuester asked that a representative of the District Attorney be asked to attend the next meeting to discuss this and Chairperson Cavilia said he would be in touch with them.

6. DISCUSSION AND POSSIBLE ACTION ON SCHEDULE FOR FUTURE MEETINGS - The next meeting is scheduled for May 26 in the Capitol Conference Room at 5:00 p.m.

4. CONT'D - (1-0467.5) Vice Chairperson Aldean read from Section 3.020 where it says the Board may appoint a City Manager and also that person may appoint clerical and administrative assistants subject to approval by the Board. She felt this implies that employing somebody like a secretary needs approval of the Board and said she would like clarification. She did not feel the Board should have to participate at that level but did feel that an administrative person such as the Assistant City Manager should have Board approval and provided her reasons. Discussion ensued and, as previously noted, they agreed to ask the District Attorney to have a representative at the next meeting.

(1-0625.5) Vice Chairperson Aldean commented that the impression in the community is that the Committee makes recommendations but nothing happens. She felt that a possible solution is to take this to the voters. She talked again about electing by ward and Chairperson Cavilia felt what happened in the past was that the Committee recommended that the Supervisors be nominated by ward in the primary and after that it would be citywide. He said that somebody on the Board had moved to put the question on an advisory ballot and this was discussed but there was a 2-2 vote so it did not get on the ballot. He felt if the Committee again recommends this he did not believe they would make a decision and the best to be hoped for would be an advisory question on the ballot and, if passed, it could then be sent to the Legislature. Vice Chairperson Aldean then suggested bypassing the Board and going directly to the Legislature.

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(1-0695.5) At this point she talked about Sections 1.140, 1.150 and 1.160 in the Sparks City Charter relating to the requirements of their Committee and asked that a discussion be agendized for the next meeting.

7. PUBLIC COMMENT ON NON-AGENDIZED ITEMS - (1-0791.5) Pete Bachstadt referred to his comments at the previous meeting relating to the sale of animals and the Animal Control Ordinance and asked what the City is supposed to be doing.

(1-0825.5) Mr. Bachstadt also expressed his concern that a fourth branch of government has evolved which is unelected. He referred to the position of City Manager and said there is no control over what that person does. He added that he had mentioned this to Mayor Masayko and had asked that a determination be made as to what the City government is supposed to do. He noted that in the Charter there is mention of providing for the public welfare and felt it is time it is defined as to what the City is supposed to be doing and that they confine their activity to that.

(1-0915.5) At this point Chairperson Cavilia referred to Section 2.1080 regarding animals and poultry and said this could be agendized for the next meeting. He added that the Animal Control agency should be notified so that they could have the opportunity to discuss it.

3. CONT'D - Mr. Lipparelli has arrived and Chairperson Cavilia asked for his input. Mr. Lipparelli said he had the file from the 1996 Committee meetings and said he could provide copies for the Members if they so desire and Chairperson Cavilia said that would be a good idea.

(1-0969.5) Chairperson Cavilia then noted that Mr. Kramer had submitted the same proposal he had made in 1996 relating to certain elected officials being prohibited from engaging in any other occupation while employed by the City. He added that Mr. Kramer felt that the situation in the City is unique which does not exist in any other municipality or county in the state. He noted that Mr. Kramer's belief was that those issues should be and probably are covered by conflict of interest laws. He also said the other part of the proposal relates to whether or not the Board is allowed to impart duties on these officials other than specifically provided for by statute. Mr. Lipparelli commented that the Charter is adopted by the Legislature and they change it from time to time. Chairperson Cavilia clarified that Mr. Kramer's concerns are that other charters in the state do not include the language which Carson City's does with respect to extra duties and felt those duties be deleted. Member Murray asked if the problem could have started when Ormsby County and the City had joined into a single entity and perhaps this had resulted in the problem as opposed to the other parts of the state. Member Jackson said this had been discussed several years ago and at that time the Committee had determined not to do anything about it.

(1-1109.5) Member Kuester then talked about the section of the Charter which related to enforcement of ordinances by the Sheriff and asked Mr. Lipparelli to interpret it. He said that any ordinance enacted by the Board should be enforced by the Sheriff. She asked if that means the Sheriff's Department personnel are compliance officers. She said she was referring to landscaping ordinances and asked if somehow somebody could take care of enforcing them, especially since people have worked so hard on them. Mr. Lipparelli said if the ordinances are broadly interpreted they could be construed to provide that the Sheriff's Department would be the enforcement agency for all City departments. However, he said there are other provisions in state laws such as in planning and zoning which empower planning and zoning departments to issue citations for violation of local ordinances and, likewise, Animal Control and Health Officers, etc. have citation powers. She then said there was no point in having an ordinance if it is not obeyed.

(1-1251.5) Member Aldean again talked about hiring administrative assistants and ask how involved the Board has been. She added her feeling that those clerical people could be hired without getting approval by the Board. She said the Charter seems to mandate that the Board be involved. She cited the recent example of an Assistant City Manager being appointed but did not recall seeing it agendized for approval by the Board. Mr. Lipparelli said the Board has not been very involved in formal approval of people who fill positions in the City Manager's office. He add that the Board, through approval of the budget and through adoption of the portion of the City code that

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enumerates the list of unclassified employees, has been involved in the creation and funding of positions but not in the actual approval of the people filling those positions.

(1-1361.5) At this point Mr. Lipparelli commented that in the past the Committee has made recommendations to the Board who, in turn, have accepted some and declined others and those they have accepted have been forwarded to the Legislative Counsel Bureau as requests from the City to effect changes in the state law. However, he said that would not prevent an individual legislator from introducing bills that contain items the Committee approved but were declined by the Board. He also noted that there is a limit on the number of bills a local government can submit for consideration by the Legislature. Chairperson Cavilia reminded the Committee that any suggested changes need to be proposed by June 12. Otherwise, there would be no chance of getting them into bill form.

8. COMMITTEE MEMBER REPORTS - None.

9. ADJOURNMENT - There being no further business Member Jackson moved to adjourn. Member Kuester seconded the motion. Motion carried 8-0-3-0. Chairperson Cavilia adjourned the meeting at 6:27 p.m.

The Minutes of the April 28, 1998 meeting of the Carson City Charter Review Committee

ARE SO APPROVED ___5/26___, 1998

/s/ _____
Jim Cavilia, Chairperson