

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 18, 2008 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, September 18, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Marv Teixeira
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Richard Staub, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Sue Johnson, Internal Auditor
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the Board'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.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND INVOCATION (8:31:30) - Mayor Teixeira called the meeting to order at 8:31 a.m. Roll was called; a quorum was present. Supervisor Aldean led the pledge of allegiance. St. Peter's Episcopal Church Father Jeff Paul gave the invocation.

PUBLIC COMMENTS AND DISCUSSION (8:42:01) - John Wagner introduced himself as a candidate for Assembly District 40, and offered literature to anyone interested. He inquired as to whether he had just made "a political speech or ... convey[ed] information." He advised that the question will be presented for consideration to the Ethics Commission. "Is the sheriff imparting information or is he campaigning on public property in violation of NRS 281A.250?" Mr. Wagner expressed "no complaint whatsoever with the supervisors who are running for re-election because they have their opponents there as well ..." He noted that the fire chief is a City employee. In response to a question, Mr. Werner advised that the fire chief reports to him. Mr. Wagner advised that the fire chief is "promoting a ballot measure ..." and expressed an interest in seeing "that stopped." He expressed the opinion this is "a violation of the spirit of the law if nothing else."

(8:46:00) First Presbyterian Church Associate Pastor Alan Dorway referred to a September 7th *Nevada Appeal* article entitled, "No Vacancy." He advised that the article had "startled" him into asking questions about the Carson City Municipal Code "which limits people from staying in a motel for longer than one month." He noted that the "agencies working with people ... in need are already taxed to the limit. These agencies which are serving families and individuals who need assistance do not have adequate funding, resources, or hours to help those in the system already, let alone if that base grew overnight." Pastor Dorway further noted that Carson City has an inadequate amount of transitional housing. "F.I.S.H. has six houses which are used for that purpose," which is a "wonderful asset to our community but we could still use more." Pastor Dorway acknowledged the "legitimate need" to enforce the code in Carson City motels. He advised that drugs are being sold from motels. "These perpetrators endanger our community by their illegal activities and they need to be prosecuted to the fullest extent of the law. And the Sheriff's Office needs to be supported in their efforts to stop this kind of trafficking." Pastor Dorway noted that some

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motels are not paying appropriate taxes which “needs to be rectified.” He advised that living conditions in some of the motels are inhumane and violations of the health code. “These conditions, whether for individuals, families, or guests in our area need to be changed for the health and the well being of anyone staying in our motels.” Pastor Dorway acknowledged that individuals, seniors, and families are using the motels in Carson City “as a barrier between a sustainable living, a security deposit in an apartment, and the street.” He discussed the need to “thank the many agencies and the people who care for and envision a day when sustainable housing, available health care, and equal employment will lead to dignity and life for all. We should be thankful for the police and legal system which hold those who break the laws, by selling drugs in areas where decent humans are trying to live, accountable. And we need to continue to think outside the box for ways to provide for those who do not have sustainable housing in our area. Part of the solution may come ... from the Capital Circles Initiative by Move the Mountain as a presentation upcoming in the agenda.” Pastor Dorway advised “this is only part of the solution.” He encouraged continued dialogue between agencies, concerned citizens, church groups, motel and apartment managers, and City leaders regarding issues associated with the City Code and how to help people transition into permanent housing. He suggested reviewing and amending the Carson City Municipal Code “to hold motels accountable without continuing to punish those who are in need.” He requested the Board of Supervisors to remember the “many vulnerable in our City, and to continue to seek creative solutions to our problems, whether here, the ten-year plan, Move the Mountain ...” He expressed belief in a “day when all of God’s children will be able to live in peace and dignity with one another.”

Mayor Teixeira called for additional public comment; however, none was forthcoming.

1. ACTION ON APPROVAL OF MINUTES - January 3, 2008, August 19, 2008, and August 21, 2008 (8:33:07) - Supervisor Aldean advised of a few clerical corrections to the minutes of August 21st. Mayor Teixeira entertained a motion. **Supervisor Aldean moved to approve the minutes of the Carson City Board of Supervisors meetings, dated January 3, 2008, as presented; the special meeting of August 19, 2008, as presented; and the minutes from the August 21, 2008 meeting, as amended based on minor clerical corrections. Supervisor Williamson seconded the motion. Motion carried 5-0.**

2. CHANGES TO THE AGENDA (9:06:17) - Mr. Werner advised that item 10(A) would be continued to the October 2nd Board meeting. He anticipated recessing into closed session at the end of the meeting to discuss associated issues.

3. SPECIAL PRESENTATION AND INTRODUCTIONS (8:34:17) - Supervisor Staub introduced Bob Thrower, and provided background information on their past Community Council on Youth service together. Supervisor Staub honored Frank J. Snopko, who died on Sunday, September 14th, by reviewing his community accomplishments, including construction and operation of the Carson Lanes bowling alley and the Hardman House Hotel. Supervisor Staub advised that Mr. Thrower and his wife, Debbie, had inquired as to appropriate Carson City organizations to benefit from Mr. Snopko’s estate. In consideration of Mr. Snopko’s desires and that of his family, a decision was made to donate \$100,000 to the Boys and Girls Clubs. Supervisor Staub provided background information on the Boys and Girls Clubs building project, and advised that the \$100,000, “by and through Bob, his wife Debbie, and the family, Dan, David, and Jackie,” will be allocated for building purposes only. Supervisor Staub further advised that the family had also decided to donate \$100,000 to Carson City, to be allocated as follows: \$25,000 to Parks and Recreation because of youth-oriented community service; \$25,000 to the Community Council on Youth; \$25,000 to the Library Foundation; and \$25,000 to the Senior Citizens Center. “In selecting those four

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organizations, we really established a gamut of age groups, from youth to seniors, to use \$100,000 to benefit ... the people they serve.” Supervisor Staub further advised of Mr. Snopko’s desire to donate funding to the Advocates for Cancer Care, and that \$20,000 had been set aside accordingly. He advised that the checks were delivered to his office yesterday, and that a small ceremony was held. He read a Proclamation in Honor and Recognition of Frank Snopko into the record.

(8:40:40) Bob Thrower expressed appreciation for Supervisor Staub’s involvement, and requested the Mayor and the Board of Supervisors to continue supporting the organizations and departments to which the donations had been provided. “Frank ... and his family are very glad to represent the kids from small to old.” He thanked Supervisor Staub and the Board on behalf of the Snopko family.

3(A) PRESENTATION BY SCOTT MILLER FROM MOVE THE MOUNTAIN, A PRIVATE, NON-PROFIT ORGANIZATION ESTABLISHED IN 1992 WITH THE MISSION OF “INSPIRING AND EQUIPPING COMMUNITIES TO END POVERTY.” MOVE THE MOUNTAIN IS COORDINATING WITH THE CAPITAL CITY CIRCLES INITIATIVE WHICH IS AN OUTGROWTH OF THE RESOLUTION PASSED BY THE BOARD OF SUPERVISORS IN MARCH 2006 TO SUPPORT THE DEVELOPMENT AND IMPLEMENTATION OF A TEN-YEAR PLAN TO ADDRESS HOMELESSNESS (8:49:55) - Supervisor Aldean introduced and provided background information on this item; on the Move the Mountain organization, its purpose and mission; and on the Capital City Circles Initiative. She expressed appreciation to the following organizations for their funding donations: St. Peter’s Episcopal Church, the Kummer, Kaempfer, Bonner, Renshaw, & Ferrario law firm, and City National Bank through the Community Reinvestment Act.

Supervisor Aldean invited Move the Mountain CEO Scott Miller to the podium. Mr. Miller provided a presentation on the formation of Move the Mountain, and reviewed statistical information on the cost of poverty to a community. He discussed results from the Circles of Support Initiative implemented in “about 25 different communities in Iowa and Minnesota,” from the partnership formed with Ruby Payne’s AHA organization, and from private, non-profit organizations, including one called Cincinnati Works. Mr. Miller expressed the belief “that we now have the tools in our country to dramatically reduce poverty,” and possibly “eliminate it in the next fifty years. But it requires a ferocious leadership and it requires people in positions as [the Board’s] to take the position that we must commit to 200 percent of poverty guidelines with whatever we do, our retention rates have to be pursued and measured for at least one year, and then we have to have Circle Initiatives in the communities that feed all of the enterprises that we have in our area.” Mr. Miller reiterated the detriment of “children being raised in poverty,” and advised “we’re paying an enormous price for that.”

Supervisor Aldean emphasized that the Circles Initiative is one which promotes self-sufficiency; “a hand up, not a hand out,” to help people preserve their dignity while improving their circumstances. She commended the program, and expressed the hope that the Board would continue its commitment.

3(B) INTRODUCTION OF JENNIFER SCHULTZ, HUMAN RESOURCES DIRECTOR (9:00:57) - Fire Chief Stacey Giomi provided background information on his service as the Interim Human Resources Director over the past three months. He advised of having learned a great deal, and of having reaffirmed his previous knowledge of the “very dedicated group of department directors, division directors, and ... employees here.” He noted the importance of a knowledgeable, understanding, skillful Human Resources Director in order to continue fostering and promoting employee dedication. He provided an

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overview of the extensive application review and interview process, and introduced Human Resources Director Jennifer Schultz.

Mayor Teixeira and the Board members welcomed Ms. Schultz, who provided background information on her residence in Carson City, her education, and her 18 years of experience in various human resources leadership positions in northern Nevada. She looks forward to serving the Board, the City employees, and the community. On behalf of the Human Resources Department staff, she thanked Chief Giomi for his assistance and support in accomplishing a smooth transition. Mayor Teixeira welcomed Ms. Schultz and wished her the best. Supervisor Aldean advised of having received a telephone call from Legislative Counsel Bureau Director Lorne Malkiewich, who expressed effusive praise for Ms. Schultz and her capabilities.

Ms. Bruketta expressed appreciation for having worked with Chief Giomi over the past few months. "He has done an excellent job." Mr. Werner advised that a special presentation would be agendaized for the next Board of Supervisors meeting. He echoed Ms. Bruketta's comments, and advised that Chief Giomi had taken "something that was ... pretty broken and was able to ... get it fixed and head it in the right direction." Mr. Werner advised that the department heads are "ecstatic about what's happened. There's been a huge change in the attitude, the ability of the staff to do what they were hired to do ..." Supervisor Aldean commended Chief Giomi on his ability to multi-task.

Mayor Teixeira recessed the Board of Supervisors at 9:06 a.m.

LIQUOR AND ENTERTAINMENT BOARD

CALL TO ORDER AND ROLL CALL (9:07:00) - Chairperson Teixeira called the meeting to order at 9:07 a.m. Roll was called; a quorum was present including Member Furlong.

ACTION ON APPROVAL OF MINUTES - January 3, 2008 and July 17, 2008 (9:07:21) - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 6-0.

4. DEVELOPMENT SERVICES - BUSINESS LICENSE - ACTION TO APPROVE A PACKAGED LIQUOR LICENSE FOR MADDUBHAI MAHABOOB BASHA DBA WINNIE DISCOUNT LIQUOR, GROCERY, AND SMOKE SHOP, LOCATED AT 262 WEST WINNIE LANE, CARSON CITY (9:07:57) - Mr. Sullivan introduced this item and provided an overview of the agenda materials.

Chairperson Teixeira invited Mr. Basha to the podium. (9:08:30) Maddubhai Basha introduced himself for the record, and acknowledged his application was pertinent to the store at 262 West Winnie Lane. In response to a question, Sheriff Furlong advised the background check was complete, and described it as "very, very nice." Mr. Basha acknowledged an awareness of the past reputation of the operation at 262 West Winnie Lane. He further acknowledged his current employment with Harley Davidson. In response to a further question, he advised that the Winnie Discount Liquor store will be run by his family. He acknowledged the requirement for his employees to attend the Sheriff's servers education class. He further acknowledged the seriousness associated with the liquor license, and that he would do everything possible to prevent his employees from selling liquor to minors.

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Chairperson Teixeira called for board and public comments and, when none were forthcoming, entertained a motion. **Member Williamson moved to approve a packaged liquor license for Maddubhai Mahaboob Basha dba Winnie Discount Liquor, Grocery, and Smoke Shop, located at 262 West Winnie Lane, Carson City, including the non-refundable investigation fee of \$500; additionally, all sellers or servers of liquor must attend the Sheriff's Office servers education class within 120 days of the business opening or of this approval; and the fiscal impact is not applicable. Member Aldean seconded the motion. Motion carried 6-0.** Chairperson Teixeira and the board members wished Mr. Basha much success.

ACTION TO ADJOURN AS THE LIQUOR AND ENTERTAINMENT BOARD (9:11:46) - Chairperson Teixeira adjourned the Liquor and Entertainment Board at 9:11 a.m. and reconvened the Board of Supervisors.

5. BOARD OF SUPERVISORS CONSENT AGENDA (9:11:54) - Mayor Teixeira entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved for approval of the consent agenda that consists of three items: item 5-1, Parks and Recreation / Open Space; item 5-2, Public Works Resolution No. 2008-R-42; and item 5-3, Alternative Sentencing, Resolution No. 2008-R-43, as presented. Supervisor Staub seconded the motion. Motion carried 5-0.**

5-1. PARKS AND RECREATION - OPEN SPACE - ACTION TO APPROVE A SECOND AMENDMENT TO THE WILSON PROPERTY PURCHASE AND SALE AGREEMENT TO PROVIDE FOR A CHANGE IN TITLE COMPANIES

5-2. PUBLIC WORKS - ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE JOINT FUNDING AGREEMENT FOR WATER RESOURCE INVESTIGATIONS, CARSON CITY, AND THE U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY

5-3. ALTERNATIVE SENTENCING - ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING AN INCREASE IN THE DEPARTMENT OF ALTERNATIVE SENTENCING'S PROBATION FEES FROM \$40.00 TO \$50.00, AND OTHER MATTERS PROPERLY RELATED THERETO

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

6. SUPERVISOR WILLIAMSON - REVIEW AND POSSIBLE ACTION TO SUPPORT THE NEVADA ASSOCIATION OF COUNTIES' ("NACO") BILL DRAFT REQUESTS SUBMITTED TO THE LEGISLATIVE COUNSEL BUREAU FOR THE 2009 LEGISLATIVE SESSION (9:12:42) - Supervisor Williamson invited NACO Executive Director Jeff Fontaine to the podium, provided background information on this item, and reviewed the agenda report.

(9:13:10) In response to a question, Mr. Fontaine advised that NACO is allowed five bill draft requests as a result of SB490. Mayor Teixeira provided direction with regard to the format for presentation and action on this item. Mr. Fontaine thanked the Board for the opportunity to present the legislative package. He advised of the anticipation that the upcoming legislative session will be "extremely difficult given the

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economic downturn and, in particular, the State's revenue shortfall." He further advised that budget cuts being considered by the Governor's office for the biennium are "14 percent across the board." He discussed NACO's top priority to "play aggressive defense to protect county revenues and certainly to continue to oppose unfunded mandates." He requested the Board's assistance in conveying the message "that it's not okay to balance the State's budget shortfall on the backs of county governments, and that county revenues are needed to provide those essential services ... to constituents everyday," most of which are mandated.

Mr. Fontaine provided background information on development of the bill draft requests included in the Board's agenda materials. He reviewed the bill draft request to provide county governments more autonomy. Mayor Teixeira called for Board and public comments and, when none were forthcoming, entertained a motion. **Supervisor Williamson moved to approve the first BDR, as suggested by NACO, concerning three specific areas of Dillon's Rule. Supervisor Livermore seconded the motion. Motion carried 5-0.**

Mr. Fontaine reviewed the bill draft request regarding the State's indigent defense system. He acknowledged the likelihood of passage as "slim and none," but noted the importance of making the point before the legislature. Supervisor Staub noted the onerous burden to establish a State Public Defender's Office in every county, and suggested considering instead the requirement for a State Public Defender's Office in each judicial district across the state. Mr. Fontaine acknowledged the point, but explained that NACO is reacting to the fact that "county by county has opted out of the State Public Defender's Office because ... they have just not gotten the service that they're paying for." He offered to discuss Supervisor Staub's point with the NACO Board. Mayor Teixeira called for additional comments and, when none were forthcoming, entertained a motion. **Supervisor Williamson moved to approve the bill draft request concerning indigent defense. Supervisor Livermore seconded the motion. Motion carried 5-0.**

Mr. Fontaine reviewed the bill draft request regarding changes to the open meeting law, and the method by which performance evaluations of the City Manager and Fire Chief are conducted. In response to a question, Mr. Fontaine advised that the NACO Board supported the bill draft request. He advised of the understanding that Clark County representatives are satisfied with the current method and will likely not support the bill draft request. Supervisor Aldean explained that the TRPA is required to adopt the most stringent rules, and has determined that the Nevada Open Meeting law is more stringent than California's Brown Act. She further advised that the California members of the TRPA Governing Board were "absolutely aghast" to learn that John Singlaub's evaluation was required to be conducted in a public meeting. She noted that people are less likely to be as candid "if these evaluations are held in public," and expressed support for the bill draft request. Mayor Teixeira called for additional comments and, when none were forthcoming, entertained a motion. **Supervisor Williamson moved to endorse the NACO BDR dealing with evaluating appointed public officials in private as opposed to in public. Supervisor Livermore seconded the motion.** Mayor Teixeira requested a roll call vote. **Supervisors Williamson, Livermore, and Aldean - yes; Supervisor Staub and Mayor Teixeira - no. Motion carried 3-2.**

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Mr. Fontaine reviewed the bill draft request regarding partial tax abatements granted by the Commission on Economic Development, and responded to questions of clarification. Mayor Teixeira entertained public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to endorse the NACO BDR dealing with the Commission on Economic Development requiring that a county have approval of tax abatements. Supervisor Livermore seconded the motion. Motion carried 5-0.**

Mr. Fontaine reviewed the bill draft request regarding the ad valorem tax, and responded to questions of clarification.

Mayor Teixeira called for public comment. (9:31:04) Bruce Kittess requested the Board to “not endorse” this BDR. He described it as “an override,” and expressed concern that “one override will beget another override.” He expressed the opinion that the voters should approve overrides. “That is the correct way to do it.” He advised there is no confidence in this kind of set up. “What good is a cap if you’re going to start finding all kinds of ways to override it?” He advised there would be a “well prepared, well represented” contingency at the legislature when the subject BDR is presented.

(9:32:38) John Wagner echoed Mr. Kittess’ comments, and expressed concern over “opening up the flood gates.” “Once the cap is removed, you might just as well remove the entire cap, not just the cap for those specific purposes ...” He expressed the opinion that the people should have a right to vote.

(9:33:18) Carson City Chamber of Commerce Executive Director Ronni Hannaman expressed opposition, on behalf of the Carson City Chamber of Commerce Board of Directors, to the subject BDR “because of the fact that you continue to target one segment of the population,” that which owns property. She echoed previous comments that the voters should continue to have the right “to decide how much taxes they’re going to continue to pay for whatever reason.”

(9:34:03) Ken Haskins expressed opposition to the subject BDR “for the same reasons pretty much, that the people should have a right to vote on something like this, raising taxes.” He agreed with Ms. Hannaman’s comments that “the property owners are the ones that are always targeted.”

(9:34:30) Dennis Johnson expressed opposition to the subject BDR and agreed that “the people should be given the opportunity to decide how they want to be taxed.” He expressed concern over multi-family residences, mobile home parks, “older folks ... on limited or fixed incomes” having to “make a choice of where they live ...” “There has to be a line drawn that no more taxes when the people don’t want it.”

Mayor Teixeira called for additional public comment; however, none was forthcoming. Supervisor Aldean advised of having discussed the subject BDR with Mr. Fontaine after receiving a number of telephone calls and e-mails. She advised that, although it wasn’t NACO’s intention, many citizens have perceived the subject BDR as “an end run because Carson City ... has a question on the ballot addressing public safety issues.” She expressed alarm that there was no bill draft request opposing unfunded mandates, but acknowledged NACO’s general adamant opposition to unfunded mandates. She noted the symptoms of a larger problem being the State’s tendency to pass the burden of programs on to local governments. She emphasized the importance of every Nevada county drawing “that proverbial line in the sand and say, ‘Enough is enough’ and refuse to implement programs” created by the State without any associated funding source. She expressed understanding for the importance of the BDR to the rural counties, but advised she

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would not support the proposed BDR. Mayor Teixeira discussed a past advisory question which the voters supported in opposition to unfunded mandates. Mr. Fontaine acknowledged the advisory question passed by NACO, and advised that it was not put on the ballot to change the constitution. He noted state statutes which, in effect, prohibit unfunded mandates, "but the legislature has continued to exempt themselves or exempt certain bills from those requirements and so you have what you have." Mayor Teixeira thanked Mr. Fontaine for his hard work.

Supervisor Williamson advised that the subject BDR was not initiated by Carson City or by Clark County. "It is from the rurals that are struggling to meet their budgets and anticipate they're going to have even more demands on their budgets." She emphasized "this is not an end run" or an "effort to circumvent the will of the voters. This is a cry for help from our neighbors and that's why it was even considered as a BDR." Mr. Fontaine provided background information on the passage of AB49 which, in effect, took away the City's ability to raise revenue by raising the ad valorem tax rate "to meet your needs." He explained the benefit of the proposed BDR to the rural counties.

Mr. Werner advised of having met with other county managers to discuss concerns over the health care system and what may occur from the State level down to the local level. Much of the State's general funding is allocated to federally-mandated health programs. Mr. Werner advised of a question over whether those charges can "pass to us as the counties picking up the local share of that." He advised of the suggestion to identify a funding mechanism. Mayor Teixeira discussed the indigent acute care issue which he presented to the legislature during the last session. Supervisor Aldean referred to California's proposition 1A, and suggested that "some of the folks in the audience, people who attend these meetings on a regular basis who are fiscal conservatives could assist in ... circulating an initiative petition." She advised that California's proposition 1A passed by "83 to 16 and basically ... prohibits unfunded mandates." Mr. Fontaine advised that, in addition to prohibiting unfunded mandates, proposition 1A requires local revenues to be retained by local governments absent extraordinary circumstances.

Mayor Teixeira entertained a motion. As a representative of the NACO, **Supervisor Williamson moved to endorse the recommendation to allow a board of county commissioners to levy an ad valorem tax at the rate of \$0.10 outside the cap for public safety, health, and welfare services. Supervisor Livermore seconded the motion.** Mayor Teixeira requested a roll call vote. **Supervisors Williamson, Livermore, Aldean, Staub, and Mayor Teixeira - no. Motion failed 5-0.**

Mayor Teixeira thanked Mr. Fontaine for his presentation. Supervisor Williamson advised that Carson City is honored to host the 2008 NACO Annual Conference from November 12 to 14. She invited the public to attend and participate. Mayor Teixeira recessed the meeting at 9:46 a.m. and reconvened at 9:54 a.m.

7. DISTRICT ATTORNEY - PRESENTATION AND OVERVIEW OF CURRENT AND FUTURE ACTIVITIES OF THE DISTRICT ATTORNEY'S OFFICE (9:54:27) - Mayor Teixeira introduced District Attorney Neil Rombardo, who provided background information on this item. He advised that the District Attorney's office is divided into three significant functions: the Civil and Criminal Divisions and the administrative functions. With regard to the administrative functions, Mr. Rombardo advised of having "sent back" the Child Support Division to the State with a net result of approximately \$200,000 to the City's budget. He further advised of quarterly reports from the State which indicate the "program seems to be running better than ever." He acknowledged that returning the child support function to the State was not a popular move. Mayor Teixeira commended Mr. Rombardo for "stepping out of the

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box and taking a little heat” to set the precedent. Mr. Romardo acknowledged the State welcomed back the responsibilities associated with the Child Support Division. He detailed the savings and operational efficiencies realized from the change. Ms. Bruketta advised that Washoe County subsequently followed suit, as did several of the smaller counties. Also associated with the District Attorney’s administrative function, Mr. Rombaro discussed the electronic subpoena process for every law enforcement officer which saves time and money. He advised that not only has money been saved, “but people are actually making it to court a lot better than ... ever before because they’re not losing those documents.” He discussed the “electronic call off” number for any person subpoenaed which also saves money because law enforcement officers are not charging overtime for called-off cases. He discussed additional savings realized from printing subpoenas in-house.

Mr. Rombaro noted that the District Attorney’s Civil Division is headed by Ms. Bruketta, whom he described as “a fantastic lawyer.” He advised that the 2007 James M. Bartley Distinguished Public Lawyer Award was conferred upon Ms. Bruketta, recognizing her as the “best civil lawyer in the State for public bodies.” The Board members, City staff, and citizens present applauded Ms. Bruketta. Mayor Teixeira commended Ms. Bruketta on her professionalism and intelligence. Mr. Rombaro referred to a previous commitment to the Board to always try to provide a way to “get to where you want to be.” He renewed the commitment to always provide answers to the Board. “I think that’s the best we can do.” Mr. Rombaro advised this is the attitude of the Civil Division.

Mr. Rombaro provided an overview of the Criminal Division, and specifically discussed the Gang Response Intervention, Prevention, and Suppression (“GRIPS”) Program. He advised that the program is “doing quite well.” He explained that the prevention portion of the program is run by the Chamber of Commerce, with a diverse group of people working on many different issues. He described the mobile recreation program being developed by the prevention group, and emphasized the importance of giving a “hand up” to children in order to help them avoid gang and other criminal activity in the future. He commented, “the nice thing about recreation ... is that it builds trust in the community.” He acknowledged that funding for the mobile recreation program was allocated by Partnership Carson City. Mayor Teixeira commended Mr. Rombaro’s participation in Partnership Carson City, and on his “extremely professional” demeanor and presentation during a recent trip to Washington, D.C. to discuss program funding with the Congressional delegation. Supervisor Livermore suggested agendaizing a Partnership Carson City presentation prior to December 31st. Mayor Teixeira suggested doing so after the election, perhaps at the second meeting in November or the first meeting in December. Mr. Rombaro described the activities of the intervention group, including development of a gang review board in which the D.A.’s juvenile prosecutor will participate. With regard to suppression, he advised that, within the last eight months, seven of the top gang leaders have been incarcerated in prison or in jail. He discussed work being done “on the nuisance side of things,” including dissemination of several forfeiture notices. He described a specific example in which an out-of-state property owner was notified of the requirement to evict a drug user. The property owner called to thank Ms. Bruketta and was very complimentary of the program. Mr. Rombaro advised that the forfeiture notice provides property owners shortened time frames in which to evict tenants. Mayor Teixeira complimented Mr. Rombaro on implementing the program. Also associated with the suppression portion of the GRIPS program, Mr. Rombaro advised that fourteen different law enforcement agencies meet monthly to share intelligence information. The participants include representatives from the Carson City District Attorney’s Office, Carson City Sheriff’s Office, Lyon County, Douglas County, Washoe County, the City of Reno, Nevada Department of Corrections, Nevada Division of Investigations, Nevada Department of Public Safety, etc. The first Carson City Gang Symposium is scheduled for October

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20 and 21 at the Plaza Hotel. Partnership Carson City allocated funding for the symposium, and Mr. Rombardo advised of confirmed attendance by 100 agency representatives. 150 to 200 are expected.

Mr. Rombardo discussed the Victim Witness Coordinator Program, and provided background information on the experience and responsibilities of Victim Witness Coordinator Frankie Haynes. He advised that the District Attorney's Office has now completely implemented vertical prosecution. The Board members, City staff, and the citizens present applauded Mr. Rombardo, and the Board members thanked him for his presentation. Mayor Teixeira commended Mr. Rombardo on an outstanding job.

8. DEVELOPMENT SERVICES - PLANNING

8(A) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING OF TWO PARCELS LOCATED AT 501 AND 505 WEST KING STREET, APNs 003-206-01 AND 003-206-02, FROM RESIDENTIAL OFFICE (RO) TO PUBLIC REGIONAL (PR) (ZMA-08-082) (10:13:24) - Planning Division Director Lee Plemel introduced this item and reviewed the agenda report. He noted that the subject property is the Brewery Arts Center Performance Hall. He advised that the Planning Commission granted a special use permit to the Brewery Arts Center at their last meeting. Supervisor Aldean noted a correction to page 1, Section II, third line, to strike the word "would" from the sentence.

Mayor Teixeira entertained a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 133, an ordinance to change the zoning on two parcels located at 501 West King Street and 505 West King Street, APNs 003-206-01 and 003-206-02, from residential office to public regional, based on the findings contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 5-0.**

8(B) ACTION TO APPROVE A FINAL SUBDIVISION MAP APPLICATION KNOWN AS JET RANCH, FROM KCXP INVESTMENTS, LLC, TO ALLOW A SUBDIVISION MAP RESULTING IN 11 AIR SPACE LOTS AND ONE COMMON AREA LOT, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT THE CARSON CITY AIRPORT, 2600 COLLEGE PARKWAY, APN 005-021-04 (FSUB-08-071) (10:15:15) - Mr. Plemel introduced this item, and reviewed the staff report. He reviewed the process for approval of a tentative subdivision map and the subsequent final subdivision map. Mayor Teixeira entertained public and Board comments and, when none were forthcoming, a motion. Supervisor Staub noted the subject item as another example of the Airport Authority's continuing efforts to make the airport an economically viable entity with the addition of eleven air space lots. **Supervisor Staub moved to approve a final subdivision map application, known as Jet Ranch, from KCXP Investments, LLC, to allow a subdivision map resulting in eleven air space lots and one common area lot, on property zoned public regional, located at 2600 College Parkway, APN 005-021-04, based on the fulfillment of 13 conditions of approval. Supervisor Livermore seconded the motion. Motion carried 5-0.**

9. DEVELOPMENT SERVICES - ACTION TO APPROVE AN ABATEMENT AGREEMENT FROM BANK OF THE WEST TO ABATE THE NUISANCE AT 1200, 1210, 1220, 1230, 1240, AND 1300 RACE TRACK ROAD, CARSON CITY, NEVADA 89701, APN 009-311-64, AND AUTHORIZE THE MAYOR TO SIGN THE ABATEMENT AGREEMENT (10:17:09) - Development Services Director Walter Sullivan introduced this item, provided background information, and reviewed the staff report. He expressed appreciation for the efforts of Mayor Teixeira, Supervisor

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Livermore, and Mr. Werner in reaching an agreement with Bank of the West. Mayor Teixeira thanked Mr. Sullivan for his assistance and “tipped his hat” to Bank of the West. He thanked Chief Building Official Kevin Gattis for his assistance in working with the contractor. Mr. Gattis acknowledged his satisfaction with the provisions of the contract. Mayor Teixeira reiterated his appreciation for Mr. Gattis’ time and effort in reaching the resolution.

Supervisor Aldean discussed the need to include a definitive start date in the contract, as alluded to in the agreement. Mayor Teixeira called for additional comments and, when none were forthcoming, entertained a motion. **Supervisor Livermore moved to approve an abatement agreement from Bank of the West to abate the imminent danger nuisance at the Schulz Ranch / Race Track, APN 009-311-64, and authorize the Mayor to sign the abatement agreement. Supervisor Aldean seconded the motion.**

(10:22:21) Joe Eiben commended Mayor Teixeira on his efforts in spearheading resolution of this matter.

Mayor Teixeira thanked Mr. Eiben, and advised that Supervisor Livermore had initiated the abatement effort. He noted the importance of team work in resolving the matter. He called for a vote on the pending motion; **motion carried 5-0.**

10. PURCHASING AND CONTRACTS

10(A) ACTION TO CONSIDER ANY PROTESTS TO CONTRACT NO. 0809-072, CARSON CITY ARSENIC WATER TREATMENT PLANT AND WATER LINE PROJECT AND TO AWARD CONTRACT NO. 0809-072, CARSON CITY ARSENIC WATER TREATMENT PLANT AND WATER LINE PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, TO BE FUNDED FROM THE 2007 CARSON CITY ARSENIC LEVEL REDUCTION PROJECT 520-3505-7870, AS PROVIDED IN FY 2007 / 2008 -
Continued.

10(B) ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$632,282.34 FOR CONTRACT NO. 2005-176, TITLED CARSON CITY SHERIFF’S DEPARTMENT ADMINISTRATION BUILDING PROJECT, TO 20 OF THE 31 TRADE CONTRACTORS, AS LISTED IN THE STAFF SUMMARY (10:24:30) - Purchasing and Contracts Coordinator Sandy Scott introduced this item, and reviewed the agenda report. In response to a question, she advised that Public Works Department Director Andy Burnham would present a cost analysis at the next Board meeting. Mayor Teixeira entertained a motion. **Supervisor Livermore moved to accept the work as completed, to accept the contract summary as presented, and to approve the release of final payment in the amount of \$632,282.34 for Contract No. 2005-176, titled Carson City Sheriff’s Department Administrative Building Project to 20 of the 31 trade contractors, as listed in the staff summary. Supervisor Aldean seconded the motion. Motion carried 5-0.**

11. FINANCE - PRESENTATION OF FISCAL YEAR 2008 SALES TAX INFORMATION AND UNAUDITED GENERAL FUND REVENUES, EXPENDITURES, AND FUND BALANCE FOR FISCAL YEAR 2008 (10:27:34) - Finance Director Nick Providenti reviewed the June 2008 Taxable Sales memo included in the agenda materials. He noted that June of 2007 was “a really good month so we’re comparing a bad month to a really good month.” “The whole state was just bad in June. State taxable sales were down 6 percent; Clark County down 3.3 percent and Washoe County down 13.7 percent.” He

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reviewed the Monthly Sales Tax Recap and the Budget Worksheet, both of which were included in the agenda materials. He responded to questions of clarification regarding the Budget Worksheet. He advised that revenues are “almost \$200,000 better than we thought,” which he attributed to increases in investment income and property tax. He also noted the City had done very well in the expense control category. There were “about \$1.2 million less in expenditures” than had been estimated. He clarified that the \$2 million redevelopment transfer would actually take place on September 19th. “The general fund has been accruing interest on that money.” Mr. Providenti anticipates the fund balance will be “about \$1.8 million better than we estimated.” He attributed this to avoiding contingency fund expenditure, better-than-expected overall revenues, and the previously-noted savings of \$1.2 million in expenses. He responded to questions of clarification regarding the figures reflected on the Budget Worksheet.

In response to a further question, Mr. Providenti advised that a three percent decrease was projected in the FY 08 / 09 budget, “but then we added back some of the new stores ...” He acknowledged a flat projection for the upcoming fiscal year. Mr. Werner advised of the intent to provide the Board a full quarter analysis toward the end of October or first of November. In response to a comment, he advised that real numbers are being considered so, “for example, a percentage loss will translate into dollars.” Supervisor Livermore expressed concern over the lack of retail revenue, and expressed the hope for “something positive ... from the big picture.” Mr. Werner noted that current figures from the building department indicate nearly \$20 million over where we were last year at this time on building valuations for which permits have been issued. Business licenses are up nearly 15 to 20 percent. Car dealers have indicated that August sales “were booming.” Mr. Providenti noted that The Home Depot is now open and Harbor Freight is scheduled to open in the near future. He anticipates that Harbor Freight will “be all new money.” Discussion followed, and Mr. Providenti advised of the “good news that we do have money ... carrying forward from last year.” He suggested that consideration will need to be given to what to do with the money.

Mr. Providenti referred to the Combined Sales and Use Statistical Report included in the agenda materials. Mayor Teixeira called for public comment; however, none was forthcoming. In response to a question, Mr. Providenti acknowledged there are very minor investments. Mr. Werner advised of having requested Treasurer Al Kramer to prepare a memo to the Board.

12. CITY MANAGER

12(A) STATUS REPORT ON VACANT GENERAL FUND POSITIONS (10:40:43) - Mr. Werner provided an overview of the pertinent agenda materials. In response to a question, he advised that the 32 previously frozen and suspended positions remain frozen and suspended. Some of the open positions are remaining open. An evaluation will be conducted as to whether the positions will be refilled or held. Public safety positions are automatically refilled. In response to a question, Mr. Werner advised of having requested department heads to prioritize refilling the positions.

In response to a question regarding eliminated Sheriff’s Office positions, Mr. Werner advised that “if the revenues come back, the economy gets better, and the Sheriff wishes to replace those, then he would come back and we would replace those at the salary that was proposed for them.” He acknowledged that elimination of the positions also eliminated the salary ranges. He further acknowledged that restoring frozen or suspended positions would be a Board action because of the corresponding budget consideration. In response to a comment, he advised that more information would be added to the budget presentations in the future.

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12(B) ACTION TO RESCIND RESOLUTION NO. 2001-R-6 AND ADOPT A RESOLUTION REGARDING UNCLASSIFIED PERSONNEL, INCLUDING THE PUBLIC GUARDIAN, CHIEF OF ALTERNATIVE SENTENCING, INTERNAL AUDITOR, AND CITY MANAGER (10:44:05) - Mr. Werner provided background information on this item, and advised of necessary corrections to the proposed resolution. He reviewed revisions to the proposed resolution made pursuant to discussion at the last Board meeting. He responded to questions of clarification regarding the Chief of Alternative Sentencing, and the provisions of paragraph B, Retirement. Supervisor Aldean reviewed additional suggested corrections to the proposed resolution. Mr. Werner noted that a paragraph Q had been added, and sent out as late material, to make the resolution effective as of July 1, 2008.

In response to a question, Mr. Werner offered to request the District Attorney's staff to research the requirement for the Board to conduct performance evaluations for the Public Guardian and the Chief of Alternative Sentencing. With regard to the Chief of Alternative Sentencing, Ms. Bruketta advised of an agreement between the Board and the courts. She agreed the matter needs to be researched in addition to some other personnel issues. Discussion followed. In response to a further question, Mr. Werner advised of having analyzed the fiscal impact of "everybody taking the cash out" for the additional 40 hours of management leave. He discussed the method by which the cost would be covered, and advised of the need to discuss the long-term impact with Human Resources Director Jennifer Schultz.

Mayor Teixeira entertained a motion. **Supervisor Aldean moved to rescind Resolution No. 2001-R-6, and to adopt Resolution No. 2008-R-44 regarding unclassified personnel, including the Public Guardian, Chief of Alternative Sentencing, Internal Auditor, and City Manager, subject to the changes noted on the record. Supervisor Williamson seconded the motion. Motion carried 5-0.**

12(C) ACTION TO APPROVE A THREE PERCENT (3%) COST OF LIVING INCREASE FOR UNCLASSIFIED PERSONNEL AND FOR THE POSITIONS OF PUBLIC GUARDIAN, CHIEF OF ALTERNATIVE SENTENCING, INTERNAL AUDITOR, AND CITY MANAGER, EFFECTIVE JULY 1, 2008, WITH THE EXCEPTION THAT FIVE SUPERVISORY DEPUTY SHERIFF POSITIONS DO NOT RECEIVE THIS ADJUSTMENT AS THEIR SALARY WAS JUST ADJUSTED IN JULY 2008 WHICH DID REFLECT A COST OF LIVING ADJUSTMENT (10:52:05) - Mr. Werner introduced this item and reviewed the agenda report. Discussion took place with regard to whether all unclassified personnel received a pay increase last year, and Mr. Providenti offered to research the matter. Mr. Werner acknowledged the intent to provide all unclassified personnel with the same cost of living increase given to every employee. In response to a question, he advised of having requested the judges to provide a letter regarding increases for their employees. "The indication is three percent would be fine for them too." Mr. Werner advised that this would be agendaized for the next Board of Supervisors meeting. In response to a question, he advised that the judges establish salaries and compensation for their employees. Discussion followed, and Mayor Teixeira entertained a motion. **Supervisor Williamson moved to approve a three percent cost of living increase for unclassified personnel and for the positions of Public Guardian, Chief of Alternative Sentencing, Internal Auditor, and City Manager, effective July 1, 2008, with the exception that the five supervisory deputy sheriff positions do not receive this adjustment, as their salary was adjusted in July of 2008 which did reflect a cost of living adjustment. Supervisor Staub seconded the motion. Motion carried 5-0.**

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13. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (10:57:10) - Supervisor Aldean recalled a Board tradition which recognized employees' years of service to the City, and requested to bring that back. Mr. Werner advised of having discussed this matter with Human Resources Director Jennifer Schultz, and of the plan to go back and recognize everybody that's reached service points of five, ten, fifteen years, as well as those that have retired. Comments from the Board members indicated a consensus to recognize service from ten years forward.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS - None.

STAFF COMMENTS AND STATUS REPORTS (10:58:28) - Mr. Werner reminded the Board members of the special meeting scheduled for Thursday, September 25th. Supervisor Aldean advised she would be absent from said meeting.

14. ACTION TO ADJOURN (10:58:57) - Supervisor Aldean moved to adjourn the meeting at 10:58 a.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the September 18, 2008 Carson City Board of Supervisors meeting are so approved this 16th day of October, 2008.

MARV TEIXEIRA, MAYOR

ATTEST:

ALAN GLOVER, Clerk - Recorder