

CARSON CITY BOARD OF SUPERVISORS
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 20, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Pete Livermore	Supervisor, Ward 3
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Larry Werner	City Engineer
	Melanie Bruketta	Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 11/20/03 Tape 1-0010)	

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. by wishing everyone a Happy Thanksgiving. Roll call was taken. The entire Board was present, constituting a quorum. Rev. Bruce Henderson of the Airport Church of Christ gave the Invocation. Mayor Masayko led the Pledge of Allegiance. He also indicated that Rev. Henderson is a Chaplain at the jail.

PUBLIC COMMENTS (1-0057) - None.

1. APPROVAL OF MINUTES (1-0060) - Supervisor Aldean moved to approve the Minutes of the Board of Supervisors meeting dated July 17, 2003, as presented. Supervisors Livermore and Williamson seconded the motion. Motion carried 5-0.

2. AGENDA MODIFICATIONS (1-0073) - Mayor Masayko indicated that Item 8B, the storm water utility, may be heard at 11 a.m.

3. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0077) - Supervisor Staub reported on his family's vacation; the RTC meeting; and the Community Council on Youth meeting. He then highlighted media reports regarding the Sheriff, Lodi's redevelopment efforts; the School District's minority success program including its efforts to address issues of cultural differences in the com-

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munity, which he endorsed; a TRPA issue and Supervisor Aldean's comments; and the Airport Authority meeting. Supervisor Williamson reported on the Redevelopment Authority Citizens Committee activities; a meeting on the State's building plans for a new facility at Stewart and Little Lane; the Subconservancy meeting; and a presentation by the Carson City Historic Preservation Society. Discussion indicated that at this time the State's building plan does not include any impacts to Roop Street. She wished everyone Happy Holidays and announced the Christmas Tree Lighting and City Hall Open House scheduled for December 4. Supervisor Aldean reported on TRPA meetings; meetings on the auto mall/row project; and briefly noted her personal activities. She then described the TRPA pier extension conflict that was reported by the media and explained her reasons for recommending the item be continued. She explained that Pathways 2007 is a committee that is reviewing the TRPA Regional Plan. Concerns with and conflicts in the present Regional Plan were limned. She announced her intent to assist with the judging of the CHS Poster contest and to attend at its fund raiser. Mayor Masayko suggested that before the Open House the posters be placed in the City Hall for additional recognition. Mayor Masayko reported on the Convention and Visitors Bureau Board meeting. He announced that the V&T Recreational Bonds will be issued later in the day at an interest rate of 4.65 percent. The status of the V&T reconstruction project and its fund-raising activities were described. The continuing media coverage of the City's beard and mustache championship was noted. Mayor Masayko continued his report by describing his pre-Veterans' Day activities, his Veterans' Day activities; and the Navy League dinner. He then explained the Reno Special Advocates For Elders (SAFE) program and the desire to extend its services to Carson City, which requires action by the District Court Judges. He wished everyone a happy Thanksgiving. Supervisor Livermore reported on his family activities; the HealthSmart Open House; various HealthSmart meetings; a mental health meeting; the meeting on the State's building plans for the proposed facility at Stewart and Little Lane; the Health Board practice session; and the Subconservancy meeting. He then referenced the media reports on the flu and encouraged everyone to get their vaccinations. Supervisor Staub announced that he had met with an individual who owns a large tract of land along the Carson River and that the individual has agreed to consider purchase of the property for open space.

B. STAFF COMMENTS (1-0908) - None.

4. CONSENT AGENDA (1-0910)

4-1. ASSESSOR - ACTION TO APPROVE THE REMOVAL AND PARTIAL REFUND OF TAXES TO THE 2003/04 REAL PROPERTY TAX ROLL ON 1754 MEDICAL PARKWAY (APN 8-054-16) AND 1600 MEDICAL PARKWAY (APN 7-511-02) PURSUANT TO THE DECISION OF THE STATE BOARD OF EQUALIZATION, CASE NO. 141, DATED 9/30/03, THESE PARCELS ARE NOW EXEMPT FROM TAXATION

4-2. DEVELOPMENT SERVICES - CONTRACTS

A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE LOMPA LANE EXTENSION - CONSULTANT SERVICES PROJECT, CONTRACT NO. 2002-027, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO PBS&J, 5210 KIETZKE LANE, RENO, NV 89511, FOR AMENDMENT NO. 1 AMOUNT OF \$24,285

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE QUILL RANCH WATER TREATMENT PLANT IMPROVEMENTS 2003 PROJECT, CONTRACT NO. 2003-044 TO (BIDDER NO. 2) RDC, INC., RESOURCE DEVELOPMENT COMPANY, 2305 GLENDALE AVENUE, SUITE 10, SPARKS, NV 89431, FOR A CONTRACT AMOUNT OF \$74,700 AND A CONTINGENCY AMOUNT OF \$15,000

4-3. CARSON CITY AIRPORT AUTHORITY - ACTION TO APPROVE THE AIRPORT

LEASE BETWEEN THE CARSON CITY AIRPORT AUTHORITY AND TED BARBEN FOR AIRPORT LOT 72A

4-4. CITY MANAGER - ACTION TO CONFIRM THE APPOINTMENT OF TOM MINTON AS CONTROLLER FOR CARSON CITY EFFECTIVE NOVEMBER 24, 2003, WITH A SALARY OF \$84,000 PER YEAR PURSUANT TO SECTION 3.073 OF THE CITY CHARTER - Supervisor Aldean pulled Item 4-4 in order to recognize Mr. Minton's contributions. Mayor Masayko explained that action by the Board is a Charter requirement that needs to be reconsidered. Mr. Minton pulled Item 4-3A and B due to the need for staff to review the insurance coverage. Supervisor Staub explained that the Airport Authority had considered this issue. The leases are for hangars. Supervisor Williamson moved to approve the three items on the Consent Agenda - one from the Assessor and two from Development Services. Contracts. Supervisor Staub seconded the motion. Motion carried 5-0.

4-4. (1-0967) Supervisor Aldean publicly recognized that the Board's action will confirm Mr. Minton's appointment as the City's Controller. Mayor Masayko pointed out that Mr. Minton has been appointed the City's Finance Director. The archaic portion of the City's Charter requires the appointment of the City's Finance Director to the position of the City's Controller. He thanked Mr. Minton for his service and congratulated him on his appointment. Discussion indicated that the positions are dual roles. When appointed by the Board, the Finance Director serves as an ex-officio Controller. The Charter requires the appointment of a Controller, which may be unnecessary. The City will not be recruiting for a Finance Director. The tradition has been for the same individual to serve as both the Finance Director and the ex-officio Controller. Supervisor Aldean moved to appoint Tom Minton as Controller for Carson City effective November 24, 2004, with the salary of \$84,000 annually. Supervisor Livermore seconded the motion. Supervisor Aldean amended her motion to correct the effective date to be 2003 and not 2004. Supervisor Livermore concurred. Motion carried 5-0. Mayor Masayko congratulated Mr. Minton on his appointments as Finance Director and Controller.

4-3. (1-1026) Deputy District Attorney Melanie Bruketta explained the request that Risk Management review the lease. Mayor Masayko explained the need to advise people before policy changes occur. He had no problem advising the Authority of the change for future items. He did not wish to delay the process. Supervisor Staub explained that the proposed use is for the lessee's personal use. The public will not be there on an ongoing basis. He did not wish to delay the process. Ms. Bruketta explained staff's desire to have the lease beforehand in order to review it. Mayor Masayko reiterated his willingness to send the Authority a letter indicating the policy change. He also explained the location of the lot. Supervisor Staub moved to approve the airport lease between the Carson City Airport Authority and Ted Barben for Airport Lot 72A with no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 9:28 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 9:46 p.m., constituting a quorum.

5. ENVIRONMENTAL HEALTH - Director Daren Winkelman - ACTION TO APPROVE THE BOARD OF PUBLIC HEALTH STEERING COMMITTEE'S RECOMMENDATION TO FORM A COUNTY BOARD OF HEALTH PURSUANT TO NRS 439.280 (1-1115) - McDonell Consulting Representative Marcia A. McDonell, Dr. Carl Heard, Nevada State Health Division Administrator Yvonne Sylva, Nevada State Health Division Bureau Chief for Community Health Richard Whitley, Nevada Public Health Foundation Representative and Steering Committee Member Mary Guinan, David Morgan - Mr.

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Winkelman's introduction included the history behind the concept. At this time Douglas and Lyon Counties are not interested in participating in a regional health board. The State has been very supportive of staff's conceptual efforts. Ms. McDonell gave a computer enhanced slide presentation regarding the concept which included a listing of the steering committee's members, project justification, goals and benefits of a public health entity, the list of stakeholders who had been interviewed, concerns and benefits of establishing a county board of health, the current funding, and the potential for additional funding for the services in the future. Dr. Heard explained the reason for recommending a county board of health before becoming a regional board of health. If the county board is beneficial and successful, they can revise the program and become regional. Supervisor Staub felt that it would be beneficial to begin as a regional board inasmuch as many of the Lyon and Storey Counties' residents already use Carson City services and medical facilities. The process could be developed under a memorandum of understanding and would eliminate the need to duplicate services. Dr. Heard reiterated the belief that the program should prove itself to be beneficial and fiscally responsible before becoming a regional facility. If it is successful and beneficial, then the regional program could commence. Dr. Heard felt that establishing a county board at this time would not impede the ability to become a district board when it is determined feasible. At this time it is not possible to do it as the other communities have not participated in the process. Mayor Masayko supported the City's moving forward with the county board concept. An agreement with the State is ready and can be acted upon. The proposal will improve the City's health benefits for its residents. He hoped that flexibility will allow its expansion to other communities in the future.

Supervisor Livermore indicated that a copy of the Statutes which enable the formation of the district is in the Board's packet. (A copy is included in the file.) The district program requires the membership to include another county and two incorporated cities. At this time they do not have anyone interested in participating who fits this criterion. The City must take control of its own services which necessitates the formation of a county program. Others can join the City's program in the future. The proposed program partners with the State and Federal agencies. It is flexible and can be revised as deemed appropriate in the future.

Supervisor Williamson referenced the list of participants and disclosed that she had dropped out of the committee. She congratulated those who continued to work on the report for completing the program.

Discussion between Dr. Heard and Supervisor Aldean indicated his belief that none of the agencies listed in Chapter 3 will become obsolete. The State has been very encouraging and supportive. He did not feel that they would be less supportive in the future. It may provide for additional cooperation, more consistent development, additional cooperation among other entities in the community who have not been identified, and provide a stream of consistent and manageable dialogue with the leadership of the community.

(1-1728) Ms. Sylva described the Montana effort which pointed out the benefits of having the local communities manage their own health programs. Carson City has been able to take advantage of the State services as they are located in Carson City. This usage transferred the City's decision making ability to the State. She questioned whether this is the appropriate way to handle the City's health concerns. She urged the Board to look at the local program before moving to a district program. The local board should determine when and if the conditions warrant moving to a district program. A local program allows the community to focus on its needs. At this time this focus is not provided until it reaches the State level. The State must make its decisions based on statewide needs. A county board of health will improve the communications process and address future needs of the community rather than having them done on a statewide basis. She

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acknowledged that there may be some costs involved with the program in the future, however, the Board will be able to control those costs. The current funding program was limned. Mayor Masayko agreed that the concept should allow the City to control the costs; however, the unfunded Legislative mandates for this service and the Legislature's ability to reduce the funding level may require the Board to impose additional taxes on the residents. The Feds, State and City should share this burden and require the community to fund the entire cost. Ms. Sylva, while acknowledging the concern, felt that the State is a Statewide public health agency. A local board of health enables the State to have another location for focusing their funding and monitoring the uses to ensure a difference in the State's health programs. People will work together during "bad years". Discussion indicated that the Montana program had started with county boards due to economics. This had allowed the 56 Montana counties to consolidate for better access and improved economics with larger populations. Carson City is a "feeder" for the region and provides services for residents from the surrounding counties. Ms. Sylva felt that the City does not fund a large amount of the costs for residents from the surrounding counties. Carson City's contribution to the current program is \$116,000. The State adds funds to the program. A local board of health will consider this issue and may "market" a district board of health. Supervisor Staub understood the concept of "walking before you run" and felt that a local board should move quickly to develop a regional board. The Statutes do not create a complicated or insurmountable process for the creation of a regional board. The City is and wishes to remain the service center for the surrounding area.

Mayor Masayko pointed out that the City provides \$116,000 for the Community Health Nurse. The State provides additional funding. At this time there is no concern about using the tax base for additional funding. Once the City forms the county health board, this will become an open question. He understood the proposed policy and decision but was concerned about future State funding levels. The City needs to look at other models. He did not want to force people to go to other areas for service, however, their counties/communities need to recognize the need to be paying partners for the service. Ms. Sylva indicated that the majority of the funding for the program will be from the Feds. The City/board of health can determine what the funding level should be for the other communities/counties.

Supervisor Livermore explained the unsuccessful effort to obtain regional participation. It indicated that surrounding Counties were glad to have Carson City provide the service as it costs them less. He pointed to the need for public health and wellness and the opportunities which were being provided to Carson City for this service. Although he felt that a regional program is warranted at this time, he represents only Carson City and cannot speak for the other areas. Therefore, he could support only the local board program. He felt that now is the appropriate time to implement the program.

Discussion between Supervisor Aldean and Ms. Sylva indicated that the Statutes may imply that the surrounding counties can be required to join a regional board. It was felt that the local services cannot check a driver's license for identification/conformation of the residential status, however, appropriate documentation should be required.

(1-2138) Dr. Whitley described the Bureau of Health and its funding. Planning now occurs at the State level except in Washoe and Clark Counties. They do their own planning for their Counties. This process is not optimal as the Bureau is distant from the communities and their needs. The process used to develop the plan was limned. This process does not tell the entire picture nor provide the entire service network and agencies who will provide services in the area. The program's current failure to provide immunizations for all Carson

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City children was cited as an example of why the local community needed to be involved in/takeover the process. When a crisis arose, the Bureau was able to revise the plan and react accordingly to address the situation by holding emergency immunization clinics. If correct planning occurs, such emergencies should not happen. A plan will be developed that includes the infrastructure to address bio-terrorism as a delivery immunization system is required as part of the plan. This provides the community with the ability to conduct mass vaccination clinics without having to react to a crisis. The program establishes the process for responding to crises without requiring additional time, effort, and communication. This process is essential for existing resources as well as future resources. The Bureau has additional resources available to assist with planning. Their programs are the core preventive health measures. The community currently receives Federal and State funding for the programs. If the local communities do not develop the programs, then the Statutes mandate the State do so. He suggested that the community takeover the program implementation.

Dr. Guinan supported the community's effort to take a small step which will significantly strengthen the program in Carson City. It provides the mechanism to respond to infectious diseases such as Small Pox, Anthrax, or SARS. The possibility of such terror acts shows the need to strengthen local health departments as they are better equipped to prevent disasters, communicate with the public, and obtain community support. This process requires the establishment of a central coordination point. The impact to local communities when an infectious disease is encountered was illustrated by an explanation of the SARS problems encountered in China and Canada. The need for credible local leaders to participate in the program during emergencies was stressed. She urged the Board to implement this process for the betterment of the community.

Dr. Heard summarized the comments by indicating that a strong case had been made by public health indicators to support a community public health program. The vaccination issue, the indicators listed in Chapter 2 on Page 12, and the need to continue the effort to coordinate the health services in the region were cited as reasons to support the program. He agreed that the surrounding communities' involvement needs to be supported as effectively as possible. This can only be done with the development of a board of health. The steering community cannot provide this coordination. A fundable structure needs to be developed which only a board of health can provide. At this time the State cannot provide the Federal funding for the local communities without the creation of a local board of health. The proposal is a low cost program which provides local control and creates a sustainable public health program. He then described the process which will occur if the Board approves the proposed program. The process includes the development of clear and understandable mission and goals. He also indicated that no responsibilities are being assumed at this juncture beyond a commitment to meet and discuss the issue. This discussion will include the impacts to the entire area and the City's budget. He felt that this process will take at least two months to complete.

Mayor Masayko felt that this approach will be able to consider unintended consequences encountered by the program as had occurred with the Washoe County Child Protective Services program. He urged the committee/board to carefully analyze the problems and benefits encountered in the development of programs in other areas and not reinvent the entire process. The proposal transfers a bifurcated system and creates a consolidated program. If the Board becomes the health board, it will not be the one who will do the research and develop the recommendations. This will be staff's responsibility. The Board should be assured that all of the resources possible are being used to develop the program. This is the first step which will provide an opportunity to do something for the residents, however, the "devil is in the details". He felt that the Board/community will be watching how the program develops.

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Supervisor Livermore supported the Mayor's comments. Many months have passed during which the steering committee carefully analyzed the proposed program. Implementation is the next phase. The committee will be involved with staff as public health issues are developed and programs, funding, and issues are analyzed to meet the needs mandated for public health, safety and welfare. He recognized former Supervisor Kay Bennett and her involvement in the process. He complimented her, Marcia McDonald, Mr. Winkelman on their commitment and dedication to the effort.

Supervisor Staub also commended the committee and the participants on their efforts. He expressed the hope that a price tag and budget are provided before final approval is requested. He referenced page 27 of the report to illustrate his reasons for concerns about the funding.

Mayor Masayko felt that the funding could not be discussed at this time. He also indicated that Animal Services should not be included in the program without additional information and that Animal Control Services will continue to be provided in Carson City. Mr. Winkelman indicated that Washoe County District Health Officer Barbara Hunt was not present.

Supervisor Williamson explained her concerns with the cost of the proposed program. The statistics, however, have convinced her that the City needs to pursue the program in order to ensure a healthier community. She supported taking "baby steps" and growth created by successes. She invited the neighbors to join the effort. Their reticence should not hold Carson City back.

Public comments were solicited. Mr. Morgan stressed the need for the process to include communication procedures which allow the participation of the media. He urged the creation of a public relations position or process that allows the media to obtain information and comply with its deadlines. Mayor Masayko indicated that the county health board would be the communication's link. The district health officer should be the public relations officer/spokesman. All functions should be under his purview. Mr. Morgan expressed his belief that there should be more than one individual who could provide the information. He felt that such a group of individuals would be able to "stop the spread of hysteria" if an incident occurs. Additional public comments were solicited but none were given.

Mr. Winkelman pointed out that there had been a lot of people involved in the process. The list of steering committee members was included in the report. The majority of these individuals were/had been present. They have provided professional contacts and created good friendships. Mayor Masayko recognized former Supervisor Kay Bennett, who was present, and thanked all of the volunteers for their services. He also noted that the mission is not completed. Additional work needs to be accomplished.

Supervisor Livermore moved to approve the Board of Public Health Steering Committee's recommendation to form a County Board of Health pursuant to Nevada Revised Statute 439.280. Supervisor Williamson seconded the motion. Mayor Masayko indicated that the motion would move the recommendation forward to the next step in a County Board of Health selection process. The motion was voted and carried 5-0. Mayor Masayko then explained the expectation that a time line for the milestones for accomplishments in a second report will be provided as quickly as possible. He thanked the State Health Dept. Administrators - Ms. Sylva and Mr. Whitley - for their participation and attendance.

RECESS: A recess was declared at 11:07 a.m. The entire Board was present when Mayor Masayko

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reconvened the meeting at 11:12 a.m., constituting a quorum.

6. DEVELOPMENT SERVICES - Director Andrew Burnham - ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE PUBLIC PARTICIPATION IN COMPREHENSIVE PLANNING FOR CARSON CITY, NEVADA, PROJECT, CONTRACT NO. 2003-051, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO HEARTLAND CENTER FOR LEADERSHIP DEVELOPMENT, 941 "O" STREET, SUITE 920, LINCOLN, NEBRASKA 68508-3649, FOR A CONTRACT AMOUNT OF \$25,000 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$2,000 (1-2852) - City Manager Linda Ritter - Discussion explained the need to redo the Capital City Focus Survey to provide staff with direction on the Comprehensive Master Plan and the details which need to be adjusted. The original survey had been conducted with specific goals in mind. The proposal will spell out the land and transportation issues. The survey is to commence in January and take three to four months to complete. Board comments noted the community talent which is available and could conduct the survey. Staff recommended the use of Heartland as a second step in the original process. Staff had not considered any other professional/group for that reason. The contract is for \$17,000 and \$8,000 in expenses. It will redo the 1997 survey. It was felt that having another individual/group conduct the survey would require them to become educated about the community, which would be unnecessary if Heartland is used. Mr. Burnham indicated that it may be possible for staff to do the survey in-house. Other potential survey sources were noted and justification for not using them indicated. Board comments stressed concern regarding the need for additional studies and the lack of action on development of a program. It was felt that spending tax funds in such a fashion was unnecessary. The Board also pointed out the growth and changes which had occurred in the community since 1997 and questioned whether the same individuals who had conducted the original survey will be involved with the proposed survey. It was felt that as long as the same template is used, anyone could conduct the survey. Ms. Ritter felt that some of the original individuals were still involved with Heartland and would participate in the process. Discussion indicated that although some of the same elements as had been used in the first survey are included in the proposed survey, the context is different which may create a different vision. The survey will provide planning direction as had occurred with the original survey. It may create new vision and mission statements for the City. The specific planning elements will be worked through the comprehensive planning areas. Options to undertaking the survey included postponing the survey, having locals conduct the survey, and doing it in-house. Mr. Burnham explained the intent to have a consultant work on the master plan. The survey is the start of that process. Having staff do both may take additional time and create workload problems. Supervisor Williamson pointed out the time it had taken to complete the rewrite of Title 18. She felt that the proposed process could take ten years for staff to complete. Mayor Masayko felt that the proposal was the starting point for developing a comprehensive master plan. The Board is attempting to establish a policy decision on how the program should be developed. Mr. Burnham then described the concept which will allow coordination between Heartland and the consultant who develops the comprehensive master plan. Public comments were solicited but none were given. Mayor Masayko expressed his concern that the proposal is following the established paradigm and had not looked at other processes. He could not support the concept. He requested additional alternatives and justification. Supervisor Aldean felt that the Board's comments support having the survey but not the proposed process. The process should be inclusionary. The public will be involved throughout the process. The documents will be circulated. The community is very inclusionary and is expected to be involved. (2-0020) Mayor Masayko felt that the Board's comments indicated the public is to be included. Supervisor Williamson explained her concern that unless the public is specifically invited, the responses will be from the Chamber of Commerce,

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the Builders Association, the manufacturers, and similar organized groups. This concern was based on the response received from the public regarding the proposal to revise the Downtown District/Redevelopment criteria to allow mixed use zoning. Mayor Masayko felt that the City had an established survey program which could be expanded to include questions regarding the master plan. Supervisor Williamson felt that the post cards indicate that the public "loves the Fire Department and hates planning and zoning". Supervisor Livermore questioned the breakdown of how the \$17,000 would be spent. Will there be town hall meetings? If so, how many? What is the cost for each meeting? Is it a new study or a boiler plate study? Supervisor Williamson moved to accept Development Services recommendation on the Public Participation in Comprehensive Strategic Planning for Carson City, Nevada, project, Contract No. 2003-051, and authorize Development Services to issue payments to Heartland Center for Leadership Development, 941 "O" Street, Suite 920, Lincoln, Nebraska, for a contract amount of \$25,000 and authorize the Contracts Division to issue amendments for a not to exceed amount of \$2,000; funding source is the Professional Services Accounts from Development Services budget. When a second was not made to the motion, Mayor Masayko ruled it died for lack of a second and directed postponement of the item. Additional information and alternatives are desired. Different outcomes must be provided.

7. DISTRICT ATTORNEY - Deputy District Attorney Melanie Bruketta - ACTION TO ADOPT ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 10.22 (RECKLESS DRIVING-PERSONS UNDER THE INFLUENCE LIQUOR, DRUGS), SECTION 10.22.020 (PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR, CONTROLLED SUBSTANCES) TO REDUCE THE CONCENTRATION OF ALCOHOL THAT MAY BE PRESENT IN THE BLOOD OR BREATH OF A PERSON WHILE OPERATING A VEHICLE; PROVIDING FOR THE PROSPECTIVE EXPIRATION OF SUCH REDUCED CONCENTRATION OF ALCOHOL UPON THE REPEAL OF CERTAIN FEDERAL LAWS; DELETING CARSON CITY MUNICIPAL CODE SECTION 10.22.025 (PRESUMPTION THAT DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR IN PROCEEDINGS FOR DRIVING WHILE INTOXICATED-CHEMICAL ANALYSIS) TO CONFORM TO STATE LAW AND OTHER MATTERS PROPERLY RELATED THERETO (2-0117) - Mayor Masayko indicated that he had not received any comments on the ordinance between the readings. Supervisor Aldean moved to adopt Bill 130, Ordinance No. 2003-31, on second reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 10.22 - RECKLESS DRIVING-PERSONS UNDER THE INFLUENCE LIQUOR, DRUGS, SECTION 10.22.020 - PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR, CONTROLLED SUBSTANCES TO REDUCE THE CONCENTRATION OF ALCOHOL THAT MAY BE PRESENT IN THE BLOOD OR BREATH OF A PERSON WHILE OPERATING A VEHICLE; PROVIDING FOR THE PROSPECTIVE EXPIRATION OF SUCH REDUCED CONCENTRATION OF ALCOHOL UPON THE REPEAL OF CERTAIN FEDERAL LAWS; DELETING CARSON CITY MUNICIPAL CODE SECTION 10.22.025 - PRESUMPTION THAT DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR IN PROCEEDINGS FOR DRIVING WHILE INTOXICATED-CHEMICAL ANALYSIS TO CONFORM TO STATE LAW AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Discussion indicated that the ordinance mirrors the Statutes. Future revisions to the Federal requirements for funding will be addressed when the Feds revise them. The Legislature had made the changes based on Federal mandates for funding. Supervisor Staub felt that the proposed ordinance will repeal the ordinance and leave the community without an ordinance if in the future the 0.08 requirement is repealed. Ms. Bruketta indicated that the City would have sufficient notice to revise the ordinance if the Federal requirement is modified in the future. Supervisor Staub

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supported proceeding so long as staff "is on top of it". The motion to adopt 2003-31 as written was voted and carried 5-0.

8. CITY MANAGER - Linda Ritter

A. DISCUSSION AND POSSIBLE ACTION TO CHANGE THE DATES OF THE TWO REGULARLY SCHEDULED BOARD OF SUPERVISORS MEETINGS IN JANUARY 2004 (1-0215) -

Following Board discussion of January activities and the ordinance moving the meeting date to the Friday following a Thursday holiday, it was felt that the meeting should be held on January 2 and that action was not needed.

B. ACTION TO SELECT A BUDGET PLAN AND UTILITY RATE METHOD FOR THE STORM WATER UTILITY AND DIRECT STAFF TO DRAFT A STORMWATER RATE ORDINANCE (2-0268) -

City Engineer Larry Werner, Tony Morangi, Chamber of Commerce Chief Executive Officer Larry Osborne, Jim Bagwell - Discussion between the Board and Mr. Werner explained the flat fee schedule and the elimination of the "credit" program. Under the new concept the City, State, and Feds will pay the same fees as assessed other parcels. The reduced capital program's personnel budget includes a two to three percent increase for inflation. The reduced capital program had not included an increase in personnel. If the capital program is not funded through this budget, a funding source must be found as there are capital needs that must be met in order to comply with NDEP rules. Mr. Werner felt certain that the funding requirement for a three-year program contained accurate estimations, however, the five-year program was the best possible guesstimate. The program is independent of the funding source. It will not bring/keep the City in compliance with NDEP requirements. The Street Department's funding level will have to be maintained. These funds will need additional augmentation in order to support the program. Discussion indicated that the private leaseholders at the Airport will be treated the same as other private entities, i.e., nonpublic or commercial. The airport property managed by the Airport Authority is treated as public. Mayor Masayko commended staff on the effort to reduce the impact to businesses and explained the funding difference between the original concept and the proposal. He felt that the new program clearly shows the City's desire to be reasonable and meet the Federal and State mandates. The 1997 flood was used to illustrate the need to provide drainage/flood control improvements. The proposed program will provide \$600,000 from January 1 to July 1, 2004. Mayor Masayko suggested the City use a one-eighth of a cent sales tax levy to fund storm drainage improvements. The process to use the sales tax will require the electorates' approval of a ballot question. As Question 18 had included operational funds, he suggested that the ballot question also contain the same provision. The importance of having maintenance included in the ballot question was limned. He suggested that the funding be 70 percent for capital improvements and 30 percent for operations and maintenance. This will minimize the cost per resident and businesses. Justification for using the sales tax for funding the storm drainage improvements and maintenance was provided. A delay in implementing the tax to allow the electorate to participate will not hurt the process. If it fails, the Board will have to increase the monthly utility charge. Although sales taxes may not be predictable, they provide twice the income level received from the ad valorem tax. The gross revenue obtained from this sales tax and the utility charge may total \$1.6 million a year. The Street Department should continue to contribute to storm drainage via either a cash payment or in-kind services. He suggested that the program commence with the proposed rates as it will meet the NDEP requirements. They should retain flexibility in the program so that the rates can be increased if and when deemed appropriate. Justification for having 3-1/2 staff members dedicated to the operation were limned. Mayor Masayko suggested that the Internal Auditor analyze the funding, staffing,

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and management hierarchy. Mr. Werner explained the NDEP requirements prohibiting having a contractor perform the duties. The permits manager and technician will be needed in the second or third year. Mayor Masayko indicated that the Internal Auditor would perform the analysis as his first priority. Mr. Werner indicated the need for it to be completed posthaste as NDEP needs the information by September 2004 in order to comply with Federal requirements. Mayor Masayko explained that if the sales tax is approved, there may not be a need to increase the utility charge for three to five years. This should help sell the concept to the electorate. Both Mr. Werner and Mayor Masayko felt that the proposed utility charge would be adequate to handle the needs until July 2005 when the tax will be implemented and its funds will commence coming into the City coffers. The first six months of revenue from the proposed utility charge should generate \$600,000. Mayor Masayko then explained the inflationary clause contained in the water and sewer utility charges mandating annual reviews. He recommended including the clause in the storm water ordinance. He expounded on his belief that the proposed concept sends the proper message to businesses that the Board/City is friendly and fiscally constrained. If the program does not work, revisions can be made.

Supervisor Livermore supported the annual adjustments. A presentation and discussion should occur on the annual capital equipment program. He supported continuing to have Street Operations pay for a portion of the service although he was not sure how to assess the fee. Discussion indicated the City has 240 miles of roadway. Discussion explained that Table 4 provides a base budget which will comply with NDEP requirements. Mr. Werner explained the fine the City will incur if the NDEP requirements are not met by September 2004. Mayor Masayko felt that the proposal starts the program, is affordable and sensible. Staff had worked within the legal parameters. His proposal will require Legislative intervention. The sales tax increase should not impact the City's competitiveness as Reno/Washoe County have just increased their sales tax rate.

(2-0918) Mr. Morangi urged the Board to implement the program. Maintenance and capital improvements have not been provided. Businesses and developers have avoided making the improvements. His personal experience as a flood adjuster was described. Taxes will not cover the cost for necessary improvements to avoid flooding. If additional flooding occurs, the City will not have the funds to repair the damage. The Feds will not help with repair. They will, however, reduce the funds coming to the City. A uniform fee should be established for all the residents. The property owners have been paying for storm drainage for years. Businesses, property owners, and rentals should all pay their share. No one person should be impacted more than another. The public had supported the concept of sharing the costs. He urged the Board to approve the policy. His experience in Fresno was limned to illustrate a utility program where everyone pays his/her share. He also indicated that in the last five years the City began to require developers to make detention improve-ments. He felt this should have been required long before that time.

Mr. Osborne indicated that the Chamber had been involved sporadically throughout the process. The Chamber appreciates the Board's consideration of the funding. He commended City staff for working with the Chamber on the issues. He understood the need to do something. They will pay for it the same as they pay for the schools and jails as it is for the community's good. The original concept was too expensive for the business community. Last night the Chamber discussed the concept with the City Manager. They recognize the need and support the proposed concept as it has the least impact and starts the program. He asked that the annual review be included in the ordinance the same as that ordinances require annual review for the water and sewer utilities. He volunteered to work with the City on getting the Legislature to modify the Statutes to allow the use of sales tax for this purpose. Discussion indicated that the Chamber recognizes

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that the proposal will impact smaller businesses more than the large businesses. They had objected to the original concept as government mandates the large parking lots, requires installation of detention basins, and then would have assessed a drainage fee for both. The proposed concept is fairer and acceptable but not 100 percent there. It will, however, start the program. He repeated the offer to work with the City and obtain a Legislative change allowing the use of 1/8th of a cent sales tax for this purpose.

Mr. Bagwell gave a letter to the Board. (A copy was not given to the Clerk.) He recognized the need for storm water control and to meet the Clean Water Act requirements. He questioned the need for a \$102,000 engineer particularly after the plan is in place and the infrastructure is constructed. He suggested that it be down scaled when the peak occurs, otherwise, the program will compound itself. His concept would eventually eliminate the need for the engineer. He felt that a maintenance crew is needed on an ongoing basis but not an engineer or desk person position. He was not opposed to implementing the program and supported the Mayor's suggestion about using sales taxes. He urged the Board to include a sunset clause on the personnel needs. He felt that a contracted engineer could be used once the infrastructure is completed. Mayor Masayko explained the Board's control over the position and that the Internal Auditor will analyze the needs before the individual is retained. Supervisor Williamson explained the Federal criteria mandating implementation of the program. She felt that if the City is able to reduce the costs by contracting the work, it may be contracted. The proposal meets the basic federal guidelines. Mr. Bagwell encouraged the Board to keep a calloused eye on the project to ensure that the public tax funds are spent judiciously. Mr. Werner asked Mr. Bagwell to meet with him and review the program. Construction is only 1/10 of the program. The Feds will not allow change to occur. It is not the traditional program. The idea is public education and protection. It is very labor intense. He then explained that the City had reduced engineering staff by five positions in three years. They will continue to look at the requirements. Mr. Bagwell explained his belief that local, State, and Federal government does not have an incentive to contain costs. Government should provide an incentive to entice public administrators to be cost effective while meeting the requirements. Many people feel that the public's pocket is never ending. This is not true. It is incumbent that they find the best method to make the program work. He felt that the proposal is a runaway train without a method of stopping. Additional public comments were solicited but none were given.

Mayor Masayko iterated his desire to have the motion include: 1. Implementation of the proposed rate which will generate approximately \$660,000; 2. Direction to staff to pursue a ballot advisory question for 1/8th of a cent sales tax; and, 3. Instruct the Internal Auditor to work with Mr. Werner's group and bring back to the Board a detailed spending plan showing whether the proposed rate will meet the initial objectives of the program and its flexibility. The ordinance will create the rates as indicated in Mr. Werner's report. Clarification indicated that his concept is for the "beast to be starved". The funding for year one is on Page 5 of 6. Mr. Wolkomir is to work with Mr. Werner to align the funds to accomplish the prime objective of the capital repayment plan and NDEP. Mr. Werner will have only the funds that are generated until the Legislature is able to address the Mayor's tax plan. Mr. Werner had predicted \$659,500 a year. This amount also relates to Table 4. As Mr. Werner had requested additional flexibility to allow him to work on the high priority items while waiting for the Legislature to act, Mayor Masayko suggested that he work with Mr. Wolkomir to determine which of the high priority items will be addressed. Additional comments were solicited but none were given.

Mayor Masayko passed the gavel to Mayor Pro-Tem Livermore. Mayor Masayko moved approve the Runoff Coefficient Utility Fee Method which generates approximately \$660,000 a year on the annualized basis as

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shown on Mr. Werner's report Page 5 of 6 for year one and also generally reflected on Table 4 for expenditures and to bring an ordinance forward to create an enterprise fund for the utility at those billing rates; 2. To direct staff to pursue the advisory question for the 1/8th of a cent sales tax funding source in the future to be presented to the voters in 04 and the Legislature in 05; 3. To ask the Internal Auditor to work with Mr. Werner and his Department to develop, if you will, an oversight and interim budget reflecting the funding level that this motion indicates to take care of the high priority work and also a budget that will carry us through to implementation of the sales tax which will be June or July of 05; and 4. That the utility rate method be subjected to the rate model and the annual review similar to water and sewer rates. Supervisors Aldean and Staub seconded the motion. Motion carried 5-0. Mayor Pro-Tem Livermore returned the gavel to Mayor Masayko. Mayor Masayko thanked the Committee members and staff who had worked on the program.

RECESS: A recess was taken at 12:53 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1 p.m.

C. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO THE NEVADA OPEN MEETING LAW, NRS 241.015(B)(2), FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING POTENTIAL OR EXISTING LITIGATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE CITY, AND/OR DELIBERATING TOWARD A DECISION (2-1453) - Supervisor Aldean moved to recess into Closed Session pursuant to the Nevada Open Meeting Law, NRS 241.015(b)(2), for the purpose of receiving information regarding potential or existing litigation from an attorney employed or retained by the City, and/or deliberating toward a decision. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko recessed the Open Session at 1 p.m. (2-1477) Mayor Masayko reconvened the Open Session at 1:52 p.m. (The entire Board was present, constituting a quorum.) There being no other matters for consideration, Supervisors Livermore and Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 1:53 p.m.

The Minutes of the November 20, 2003, Carson City Board of Supervisors meeting

ARE SO APPROVED ON March 4, 2004.

/s/
Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder

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