

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the June 25, 2002 Meeting

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A regular meeting of the Carson City Charter Review Committee was scheduled for 5:00 p.m. on Tuesday, June 25, 2002 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Shelly Aldean
Vice Chairperson Donna DePauw
Ernie Adler
David Cook
Gail Parsons
Jeanne Simons
Steve Suwe
John Vettel

STAFF: Jason Woodbury, Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: Unless indicated otherwise, each item was introduced by Chairperson Aldean. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. CALL TO ORDER, ROLL CALL (1-0001) - Chairperson Aldean called the meeting to order at 5:06 p.m. Roll was called; a quorum was present. Members Jackson, Pickett, and Reich were absent.

B. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0006) - None.

C. MODIFICATION OF THE AGENDA (1-0020) - None.

D. DISCLOSURES (1-0034) - None.

E. ACTION ON APPROVAL OF MINUTES OF PREVIOUS MEETING - May 29, 2002 (1-0042) - Member Simons moved to approve the minutes. Member Parsons seconded the motion. Motion carried 7-0. [Member Cook arrived at 5:08 p.m.]

F. PUBLIC HEARING:

F-1. DISCUSSION AND POSSIBLE ACTION TO ADOPT A POSITION PAPER REGARDING NOMINATION OF SUPERVISORS BY WARD AND ELECTION AT LARGE TO BE PRESENTED TO THE CARSON CITY BOARD OF SUPERVISORS (1-0060) - Chairperson Aldean provided background information on this item, distributed a draft position paper to the Committee members and staff, and read a portion of the same into the record. Member Adler suggested creating two wards which would be equally divided, with two candidates in each ward to run in both the primary and general elections and the mayor to run at large. He indicated that this scenario would simplify the election process, and discussion took place with regard to alternative scenarios, the issues presented by Clerk-Recorder Alan Glover at the March 26, 2002 meeting, the relationship of the voting precincts to the assembly and senate districts, and the previously discussed proposal to reduce the number of school board members.

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Member Suwe expressed agreement with Member Adler's proposal, but suggested that the Committee forward the position paper to the Board of Supervisors to let them know the Committee continues to consider the issue of nomination by ward/election at large. Member Adler expressed agreement with the points outlined in the position paper, and discussed a complaint received from a citizen regarding water quality. Chairperson Aldean suggested deferring this issue to the next Charter Review Committee and, in response to a comment, clarified that she was not suggesting the position paper not be submitted. She indicated that Member Adler's comments are valid, but the "time is too short to give them the consideration they're due." **Member Adler moved to submit the position paper to the Board of Supervisors. Member Suwe seconded the motion. Motion carried 8-0.**

F-2. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND AMENDMENT OF THE CARSON CITY CHARTER TO REQUIRE EVERY NEWLY ELECTED CITY OFFICIAL TO PARTICIPATE IN A CITY-SPONSORED ORIENTATION REGARDING THE REQUIREMENTS OF THE NEVADA OPEN MEETING LAW, ETHICS LAWS, LAWS PERTAINING TO DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST OR OTHER IMPROPRIETY, AND OTHER RELEVANT LEGAL CONSIDERATIONS, PRIOR TO ATTENDING THEIR FIRST PUBLIC MEETING (1-0293) - Chairperson Aldean provided background information on this item and reviewed the action taken at the last meeting. **Member Adler moved to adopt this recommendation. Member Cook seconded the motion.** Discussion took place regarding penalties for non-compliance and, in response to a question, Mr. Woodbury suggested that the requirement would be "self-enforcing." He explained that any action taken in violation of the Nevada Open Meeting Law is void, and that a knowing violation is a misdemeanor. He suggested that incorporating the requirement into the Charter would be effective in and of itself because it would force the Board of Supervisors to ensure compliance. He further suggested that members of appointed bodies could not be seated until they complied. He clarified that this may not be necessary or advisable but could be done. With regard to elected officials, he advised that the Committee would not have power to enforce compliance. Chairperson Aldean called for a vote on the pending motion; **motion carried 8-0.**

F-3. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND AMENDMENT OF THE CARSON CITY CHARTER TO CLARIFY, MODIFY, AND EXPAND THE PRINCIPAL DUTIES, RESPONSIBILITIES, AND SCOPE OF THE CHARTER REVIEW COMMITTEE AND TO MODIFY AND/OR ADD PROVISIONS RELATING TO THE APPOINTMENT, REMOVAL, AND REPLACEMENT OF COMMITTEE MEMBERS (1-0430) - Member Vettel distributed a fax from Member Reich with suggested revisions to the Charter and read the same into the record. Chairperson Aldean advised of a meeting with Member Simons and Mr. Woodbury wherein discussion took place regarding appointment of alternates to the Committee. Discussion took place with regard to this proposal, and consensus of the Committee was that alternates should not be appointed to the Committee. Member Adler commented that the revisions suggested in Member Reich's fax are "good ideas" but don't necessarily need to be in the Charter. Additional discussion took place regarding the meeting schedule, the proposed revisions, and developing committee bylaws.

Chairperson Aldean suggested adding the following language to Section 1.090(3): "or other laws related to the charter." She indicated that some of the recommendations made by the Committee will require statutory amendment. She discussed the possibility of having the power to remove members of the Charter Review Committee transferred to the Committee rather than the Board of Supervisors. Discussion took place with regard to the same, and Member Simons suggested incorporating in the bylaws a provision

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whereby the chairperson would be responsible for reporting to the Board of Supervisors the need to remove a committee member. Member Cook volunteered to serve on a bylaws subcommittee, and consensus of the Committee was for the subcommittee to draft bylaws to be presented at the first meeting of the next Charter Review Committee. In response to a question, Chairperson Aldean explained the purpose of the bylaws.

Chairperson Aldean suggested revising the language of Section 1.090(1) to read, "Elect a chairman *and vice chairman* from among its members who shall serve for a term of *two* years." She requested Mr. Woodbury to prepare appropriate language for the addition she previously suggested to Section 1.090(3), and he agreed to do so. **Member Adler moved to amend section 1.090 that there be elected a chairman and vice chairman for a term of two years and that the general language be that the Charter Review Committee be allowed to consider amendments to the charter, related laws or ordinances. Member Cook seconded the motion. Motion carried 8-0.** In response to a question, Chairperson Aldean suggested that anyone interested in working on the interim bylaws subcommittee contact her.

F-4. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND AMENDMENT OF THE CARSON CITY CHARTER TO REQUIRE PUBLISHED INFORMATION REGARDING THE ACTIVITIES OF THE CHARTER REVIEW COMMITTEE AND REQUESTING PUBLIC PARTICIPATION WITH REGARD TO SUGGESTED CHARTER AMENDMENTS (1-0987) - Chairperson Aldean noted that this item was previously covered and will be addressed under the terms and provisions of the bylaws. **Member Adler moved to table item F-4. Member Simons seconded the motion. Motion carried 8-0.**

F-5. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND AMENDMENT OF THE CARSON CITY CHARTER TO REQUIRE A JOINT MEETING WITH THE CARSON CITY BOARD OF SUPERVISORS FOLLOWING THE LAST SCHEDULED MEETING OF THE CHARTER REVIEW COMMITTEE TO PRESENT THE COMMITTEE'S RECOMMENDATIONS (1-1005) - Chairperson Aldean referred to the correspondence between herself and Mayor Masayko which was included in the agenda materials, and advised that the joint meeting with the Board of Supervisors has been scheduled for 6:00 p.m. on Thursday, August 1st. She emphasized the importance of every Committee member attending the joint meeting. In response to a question, Member Adler advised that the Legislative Counsel Bureau will determine where to place the amendment in the Municipal Code. **Member Cook moved to approve the recommendation. Member Simons seconded the motion. Motion carried 8-0.**

F-6. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND AMENDMENT OF THE CARSON CITY CHARTER TO (1) REPLACE THE ELECTED SHERIFF AND HIS DEPARTMENT WITH A PROFESSIONAL, HIRED CHIEF OF POLICE AND HIS DEPARTMENT AND/OR (2) MODIFY OR ADD PROVISIONS RELATING TO THE QUALIFICATIONS, DUTIES, SUPERVISION, AND SALARY OF THE SHERIFF AND SHERIFF'S DEPARTMENT (1-1050) - Vice Chairperson DePauw referred to the April 7, 2000 memo from former Deputy District Attorney Neil Rombardo, which was included in the agenda materials, and provided an overview of the same. Mr. Woodbury advised that the Charter Review Committee cannot recommend an amendment to abolish the office of sheriff. The sheriff's position is created by the Nevada Constitution and a constitutional amendment would be required to abolish the position. In response to a question, Mr. Woodbury advised that the Nevada Legislature defines the duties of the sheriff, and he read

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the specific language into the record. Member Adler read a footnote from a 1957 Attorney General's Opinion into the record indicating that even the legislature cannot abolish the sheriff's position. In response to a question, Mr. Woodbury advised that the manner of selecting the sheriff would be a "different question" for which he was unable to find an answer prior to this meeting. In response to a further question, Member Adler advised that Carson City is statutorily considered as a county and governed by county provisions. Chairperson Aldean called for public comment on this issue.

(1-1214) Monte Fast provided an overview of his comments made at the May 29th meeting. He discussed the hiring process for and management oversight of the City Fire Chief, the School District Superintendent, and the Parks and Recreation Director. He expressed opinions regarding election of the sheriff, the need for oversight of the sheriff's position, the candidates' positions on this issue, and the type of oversight needed. Member Adler advised of citizen recourse, including recall petitions and election of a new sheriff. Mr. Fast expressed agreement with the need for a sheriff but suggested that he or she be responsible for "those ceremonial duties necessary to the sheriff" including running the jail, signing documents pertaining to property matters, and serving summonses. He expressed the opinion that the Board of Supervisors "is far more responsive to the will of the voters on a day-to-day basis and should supervise a chief law enforcement officer." He proposed a process for hiring a police chief and evaluating his or her performance. Chairperson Aldean discussed the ballot question proposing an amendment to the Colorado Constitution to allow the general assembly to establish qualifications for the office of county sheriff, including training and certification requirements. Mr. Fast discussed the elements of the King County Charter Amendment No. 2 included in the agenda materials. In response to a question, he expressed the opinion that Carson City has not "been able to consistently elect the kind of a person who gives us the leadership." He advised of discussion at the Rotary Club earlier in the day regarding morale at the sheriff's department. He acknowledged that his primary objective is to improve the quality of candidates running for the office of sheriff; that it would not necessarily have to become an appointed position as long as there are specific qualifications and professional credentials required of people running for the office. He expressed the opinion that the sheriff needs to have a board of directors to whom he/she would be accountable. In response to a question, Mr. Fast indicated that his concerns are directed at the sheriff rather than other elected officials because "none of those guys are packing a gun." He expressed respect for the patrol officers and their responsibilities, and concern that the administration is out of touch.

(1-1510) Ken Furlong advised that he is a candidate for sheriff and that he feels "very strongly about this subject." He expressed agreement with considering the qualifications and duties of the sheriff and that he or she needs "to be held to the highest standards in the community." The community cannot have a higher expectation than the duties currently outlined, however. Mr. Furlong suggested adding to the duty requirements at the legislative level because doing so would affect every sheriff in the State of Nevada. He expressed disagreement with having the Board of Supervisors take the place of the voter to elect the sheriff. In response to a question, he discussed Peace Officers Standards and Training ("P.O.S.T.") certification. Chairperson Aldean reviewed the qualifications outlined in the proposed Colorado amendment, and expressed the opinion that it would be very difficult for anyone with no law enforcement background to have any credibility with subordinates. Member Adler expressed the opinion that the problem with sheriffs in the past have been a lack of experience in management and finance not a lack of experience in law enforcement. Mr. Furlong reiterated the opinion that it should be up to the citizens to elect a sheriff. Chairperson Aldean discussed the importance of continuing education requirements. Mr. Furlong suggested there may be ways to address the issues of qualification requirements in the long term but pointed out that there is no present requirement for P.O.S.T. certification. In response to a question,

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he indicated he had “no problem” with a citizens review board to evaluate the performance and the budget of the sheriff. Mr. Fast pointed out that the Board of Supervisors has a built-in checks and balances system. In response to a question, Mr. Furlong advised he did not know what the sheriff’s salary is.

(1-1773) Tom Keeton commented that “there is no reason to be afraid of a constitutional amendment.” He pointed out that the Board of Supervisors has budgetary power over the sheriff’s office. He suggested that appointed officials are “sometimes no better than those that are elected.” He agreed that the sheriff’s office should be provided oversight and that the real problem is management and the utilization of resources. He suggested that the morale problem may be due to the fact that police officers are having to perform duties that would be better suited to an unsworn officer. He discussed recourse available to citizens to recall an elected official and to research their background and experience prior to the election.

In response to a question, Mr. Woodbury expressed the opinion that the charter cannot be amended to add qualifications for the office of sheriff because the Nevada Constitution creates the office, gives the legislature power over the office, and cities and counties only have the power granted them by the legislature. He advised he has been unable to find any provision in the statute that allows a county or a city to add to the qualifications set forth in the law. With regard to the question of whether or not a citizen advisory committee can be created, Mr. Woodbury distributed copies of NRS 289.380 and provided an overview of the same. Chairperson Aldean suggested working within the existing language of the charter to accomplish the Committee’s goals with regard to this issue. **Member Adler moved to make an advisory recommendation to the Board of Supervisors that they appoint a commission under NRS 289.380 with all the powers enumerated therein. Member Simons seconded the motion.** In response to a comment, **Member Adler amended his motion to include all relevant statutes. Member Simons continued her second. Motion carried 8-0.**

G. DISCUSSION REGARDING FUTURE AGENDA ITEMS (1-2052) - None.

H. ACTION ON ADJOURNMENT (1-2088) - Vice Chairperson DePauw moved to adjourn the meeting at 6:48 p.m. Member Adler seconded the motion. Motion carried 8-0.

The Minutes of the June 25, 2002 meeting of the Carson City Charter Review Committee are so approved this _____ day of July, 2002.

SHELLY ALDEAN, Chair