CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the March 28, 2000 Meeting Page 1

A regular meeting of the Carson City Charter Review Committee was held at 5:00 p.m. on Tuesday, March 28, 2000 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Shelly Aldean

Vice Chairperson Donna Kuester

Ernie Adler
Blair Allen
Pat Jackson
Dick Murray
Virginia Nuzum
Gail Parsons
Vivian Pickett
Richard Reich
John Vettel

STAFF: Alan Glover, Clerk-Recorder

Robin Williamson, Supervisor, Ward 1

Rod Bannister, Sheriff

Steven Mihelic, Assistant Fire Chief Andrew Burnham, Engineering Manager Neil Rombardo, Deputy District Attorney Kathleen King, Recording Secretary (CRC 03/28/00; Tape 1-0001)

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, SWEARING IN OF MEMBERS, AND ROLL CALL (1-0002) Mr. Glover called the meeting to order at 5:05 p.m. He administered the oath of office to all the members. Roll call was taken; a quorum was present.
- **B. ORIENTATION** (1-0039) Mr. Glover introduced Deputy District Attorney Neil Rombardo, and discussed the number of meetings allocated by the budget. He distributed copies of the Nevada Open Meeting Law, a memorandum regarding ward voting, and copies of AB200.

Mr. Rombardo requested that the members review the Open Meeting Law, and advised that he will be present at the meetings to ensure the Committee adheres to its requirements. He referred to CCMC Section 1.080, explained the purpose and function of the Committee, and the process for amending the City Charter.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0172) - Mr. Glover advised that Chairperson Aldean had requested information regarding the method by which ballot measures are written. He referred to AB200 which was previously distributed, and advised that it is currently applicable to Clark

CARSON CITY CHARTER REVIEW COMMITTEE Minutes of the March 28, 2000 Meeting Page 2

and Washoe Counties only. This may change after the 2000 census takes effect. Mr. Glover explained that the statute will be further revised during the next legislative session; however, Clark County is developing a regulation to implement the provisions. Mr. Glover commented that the legislation seems to adequately delineate the function of the committees, and suggested that the Committee review NRS 293.481 as amended by AB200 rather than "reinventing the wheel."

Chairperson Aldean discussed a concern, brought to her attention by a citizen, over elected officials serving on committees and commissions following their terms in office. The citizen proposed that the Committee consider an amendment which would provide that after leaving office, no elected official would be eligible for appointment to a board or commission for a period of time equivalent to the length of his/her last term in office. She briefly discussed her feelings on the matter and requested that it be agendized for a future meeting.

- **D. APPROVAL OF MINUTES JULY 15, 1998** (1-0230) Member Jackson moved to approve the minutes. Vice Chairperson Kuester seconded the motion. Motion carried 11-0.
- E. DISCUSSION AND ACTION ON SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON (1-0130) Member Kuester nominated Member Aldean as Chairperson. Member Adler seconded the nomination. Member Vettel moved to close nominations. Member Adler seconded the motion. Motion carried 11-0; nomination carried 11-0. Chairperson Aldean called for nominations for Vice Chairperson; she had previously nominated Member Kuester as Vice Chairperson. Member Adler seconded the nomination. Nomination carried 11-0.
- F. DISCUSSION REGARDING RESOLUTIONS PRESENTED TO THE BOARD OF SUPERVISORS BY THE 1998 CHARTER REVIEW COMMITTEE (1-0240) Mr. Glover explained the reason for including the table of resolutions in the agenda materials. Chairperson Aldean advised that she and Member Murray had appeared before the Board of Supervisors to present the resolutions of the 1998 Charter Review Committee. She advised that the issue of election of supervisors by ward had been tabled by the Board of Supervisors. She expressed appreciation for the outcome of the process, and briefly discussed the action taken by the Board of Supervisors.
- G. DISCUSSION AND ACTION REGARDING WRITTEN AND ORAL COMMENTS FROM DEPARTMENT HEADS
- G-1. DISCUSSION AND ACTION ON PROVISION REQUIRING ALL VOLUNTEERS SERVING ON CARSON CITY COMMITTEES AND COMMISSIONS TO BE RESIDENTS OF CARSON CITY (1-0280) Supervisor Williamson introduced herself and thanked the members for volunteering to serve on the Committee. She advised that some of the committee/commission bylaws require residency and some do not. She expressed the opinion that residency should consistently be a requirement for advisory committees to the Board of Supervisors. Discussion ensued regarding the appointment process, and Chairperson Aldean suggested that the Committee consider deferring detailed discussion and action on the item until the next meeting. Member Jackson so moved. Member Vettel seconded the motion. Motion carried 11-0. Member Murray requested a list of committees and

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the March 28, 2000 Meeting Page 3

commissions to which the requirement would apply. Chairperson Aldean requested preliminary language from Deputy District Attorney Rombardo.

G-2. DISCUSSION OF BENEFITS TO THE COMMUNITY OF A PUBLIC SERVICE COMMISSION; WHETHER FIRE AND POLICE CHIEFS SHOULD BE APPOINTED BY A PUBLIC SERVICE COMMISSION (1-0372) - Supervisor Williamson clarified that her request was for a public safety commission composed of a group of citizens appointed by the Board of Supervisors to review qualifications of the respective department heads and ongoing departmental operations, and to make recommendations accordingly.

Sheriff Rod Bannister expressed understanding for the concerns, and discussed the disadvantages of two separate agencies. He pointed out that many other communities are working to consolidate police and sheriff's departments. He discussed the typical differences in salaries between police chiefs and sheriffs, and the staffing and funding required for administration of a separate department. He pointed out that the sheriff has to account to the voters every four years, and expressed the opinion that a police chief would serve at the "whim" of a commission. Sheriff Bannister discussed other disadvantages of being accountable to a committee of 5-7 people, and the typical short tenure of police chiefs. Discussion ensued regarding the existing city-county government system, and Chairperson Aldean requested information from Mr. Rombardo regarding the constitutionality of the proposal. Member Vettel expressed opposition to removing the Sheriff's position from the election process, and moved to eliminate the item from any future consideration. Member Reich seconded the motion. Motion failed 2-9.

At the request of Chairperson Aldean, Supervisor Williamson explained how the recommendation originated. Member Allen requested clarification regarding the authority of the proposed commission, and Supervisor Williamson explained the responsibilities of the commission to interview and appoint the sheriff and police/fire chiefs.

Assistant Fire Chief Mihelic commented that there had not been enough definitive information presented to come to a decision on the issue. He expressed the opinion that the proposal would increase the political base of the respective departments, and that the education/influence spectrums would become larger. He inquired as to the authority of the proposed commission regarding budgets, operations, etc. and discussed the confusion which would be caused by yet another layer of jurisdiction. He pointed out that the Fire Department is accountable to a political body which is elected by the voters, and that the City Manager directs and oversees Fire Department services.

Member Adler discussed his experience with the judicial commission, and advised that definite terms are set, and that removal from office is only as a result of gross misconduct; not at the whim of the commissioners. Member Vettel discussed the need for accountability to the public, and expressed a concern that the general public would not be informed of the decisions of a commission unless they attended all the meetings. Member Adler advised that similar proposals for the appointment of judges have been consistently voted down. In response to a question, Chairperson Aldean acknowledged that the fire chief is appointed by the City Manager.

CARSON CITY CHARTER REVIEW COMMITTEE Minutes of the March 28, 2000 Meeting Page 4

Member Jackson moved to defer further consideration of this matter until the next meeting. Member Vettel seconded the motion. Motion carried 11-0.

CARSON CITY CHARTER REVIEW COMMITTEE Minutes of the March 28, 2000 Meeting Page 5

G-3. DISCUSSION AND ACTION ON WHETHER TO HOLD PRIMARY ELECTION OF CITY SUPERVISORS IN RESPECTIVE NEIGHBORHOOD WARDS, WITH CITYWIDE GENERAL ELECTION (1-0761) - Supervisor Williamson expressed an interest in generating more public involvement in the election process. She expressed understanding of Mr. Glover's concerns for implementing the process, referred to the memorandum previously distributed by Mr. Glover, and discussed election costs. Chairperson Aldean provided background information on the proposal as discussed during the term of the 1998 Charter Review Committee, including the benefits and detriments and concerns over the disenfranchisement of minority ethnic groups. Member Kuester commented that this matter had been previously submitted to a vote of the general population. Mr. Glover advised that the result was a tie.

Member Adler diagramed a proposal for ward voting to cut the cost of elections, and explained that Las Vegas had employed the method for their senate districts. Chairperson Aldean requested material for the Committee to review, and Member Adler advised that the template is outlined in the statute. Member Jackson suggested deferring the matter in order that the Committee members can review the material provided by Mr. Glover and obtain additional information. Discussion regarding reapportionment followed, and Chairperson Aldean offered to request a position paper from Don Carlson.

Member Adler requested that Mr. Glover comment on his previously diagramed proposal. Mr. Glover referred to his memorandum, and discussed the dynamics of early voting as a negative factor for ward voting. He pointed out that the Hospital and School Boards must be elected by the same method as the Board of Supervisors. He expressed the opinion that ward voting would only transfer the burden of the cost of operating the election to the taxpayers. He commented that Don Carlson has a great deal of information on lawsuits involving minority "pockets". He advised that more information will be available after the census is completed; however, it appears that minorities in Carson City are fairly evenly split among the four wards.

Member Allen moved to defer further consideration on this item until the next meeting. Member Vettel seconded the motion. Motion carried 11-0.

G-4. DISCUSSION AND ACTION TO PROHIBIT ALTERNATES FROM BEING SELECTED FOR CARSON CITY VOLUNTEER COMMITTEES (1-1016) - Supervisor Williamson provided information on the appointment process for advisory committees and commissions. She advised that the Board of Supervisors has appointed alternates for at least one advisory committee. This practice expedites the Board of Supervisors meetings; however, Supervisor Williamson expressed a concern that it does not fulfill the intent for creating the advisory committees. Chairperson Aldean inquired as to the advantage of having an alternate present to maintain a quorum, and Supervisor Williamson acknowledged that the alternate's familiarity with the committee's proceedings is an advantage. She pointed out that interested citizens should attend the meetings whether or not they have a vote, and discussed the disadvantages to new residents of appointing alternates. Discussion ensued with regard to alternatives to the proposal, and Supervisor Williamson acknowledged that the alternates are usually actively involved with the committee. Vice Chairperson Kuester discussed the inconsistency of the Board of Supervisors in appointing alternates. Chairperson Aldean read a portion of Section 2.320 into the record, and pointed out that alternates are not mentioned in the Charter. Vice Chairperson Kuester moved to postpone further

CARSON CITY CHARTER REVIEW COMMITTEE Minutes of the March 28, 2000 Meeting

Page 6

consideration of the item until the next meeting of the Committee. Member Parsons seconded the motion. Motion carried 11-0.

Chairperson Aldean thanked Supervisor Williamson for her presentations. Member Adler requested a district attorney's opinion on the legality of appointing alternates.

Member Pickett left the meeting at 6:06 p.m. A quorum was still present.

- G-5. DISCUSSION AND ACTION REGARDING ADOPTION OF STORM WATER UTILITY (1-1142) Mr. Burnham advised that, in reviewing the Charter, he had noted drainage and flood control projects are not specifically mentioned. He referred to Section 2.275, and inquired as to whether or not this section is specific enough to provide for drainage projects. He referred to Article 6, Local Improvements, and advised that the City is initiating a series of drainage projects, including formation of a storm water utility. He wants to ensure that the Charter provides for the projects and the formation of the utility. Chairperson Aldean requested an opinion from the district attorney's office, and Mr. Burnham indicated that he would work with Mr. Rombardo. Member Adler moved to postpone further consideration of this item. Member Nuzum seconded the motion. Motion carried 11-0.
- **G-6. DISCUSSION AND ACTION REGARDING ELIMINATION OF THE PURCHASING AGENT POSITION** (1-1279) Mr. Burnham noted the recent administrative reorganization by the Board of Supervisors. He advised that the Purchasing Agent position is created by the Charter and acknowledged that the position is currently vacant. The function has been assigned to the Deputy Purchasing Director who will eventually be assigned to a different department. Chairperson Aldean referred to Section 3.077 of the Charter. Mr. Burnham suggested requesting City Manager Berkich or Finance Director Heath to discuss the matter with the Committee. Member Jackson moved to postpone action until the next meeting. Member Vettel seconded the motion. Motion carried 11-0.
- H. DISCUSSION AND ACTION ON SELECTION OF INDIVIDUAL(S) TO MAKE PRESENTATION ON FINAL DOCUMENTS TO THE BOARD OF SUPERVISORS AND LEGISLATURE (1-1324) Member Allen suggested deferring action on this item until a determination can be made as to the members' availability. Chairperson Aldean explained the process for presenting resolutions to the Board of Supervisors. Vice Chairperson Kuester moved to postpone action until the last meeting of the Charter Review Committee. Member Vettel seconded the motion. Motion carried 11-0.
- I. COMMITTEE MEMBER COMMENTS (1-1359) Member Vettel requested proposed language for amendments to the Charter as pertaining to each of the agenda items. Member Adler inquired as to the section which requires election of supervisors at large. Chairperson Aldean read the provisions of Section 2.010(3) and 2.010(4) into the record. Discussion ensued with regard to the time frame for submitting agenda items and Ms. King requested that items be submitted at least 14 days prior to the scheduled meeting. Chairperson Aldean discussed the meeting schedule and requested that consideration be given to adequate time for presentation of the Committee's recommendations to the Board of Supervisors so that the Board, in turn, has adequate time to memorialize the recommendations and submit them to the Legislative Counsel Bureau for consideration at the next legislative session. She discussed the need for

CARSON CITY CHARTER REVIEW COMMITTEE Minutes of the March 28, 2000 Meeting

Page 7

each of the members to solicit input from their constituents regarding amendments to the Charter. Ms. King acknowledged that each of the City department heads and elected officials were encouraged to provide input.

Discussion regarding the next meeting took place, and Committee consensus was to schedule the next meeting for May 4, 2000. Member Jackson requested that guests be recognized and given the opportunity to introduce themselves at future meetings.

- **J. FUTURE AGENDA ITEMS** (1-1554) Chairperson Aldean requested that the following items be agendized for the next meeting: (1) An amendment to prohibit elected officials from serving on boards and commissions for a period of time equivalent to the length of their last term in office; and (2) A provision for appointment of committees to prepare arguments for and against ballot measures. Chairperson Aldean acknowledged that she will contact Don Carlson regarding a position paper on ward voting, and that she will invite him to the next meeting.
- **K. ADJOURNMENT** (1-1570) Vice Chairperson Kuester moved to adjourn the meeting at 6:25 p.m. Member Allen seconded the motion. Motion carried 10-0.

	meeting of the Carson City Charter Review Committee are so approved
this day of May, 2000.	
	SHELLY ALDEAN, Chairperson