

CARSON CITY BOARD OF SUPERVISORS

Minutes of the October 3, 2002, Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 3, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

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

STAFF PRESENT: John Berkich City Manager
 Alan Glover Clerk-Recorder
 Al Kramer Treasurer
 Larry Werner City Engineer
 Mark Forsberg Chief Deputy District Attorney
 Cheryl Adams Deputy Purchasing Director
 Katherine McLaughlin Recording Secretary
 Justine Chambers Contracts Coordinator
(B.O.S. 10/3/02 Tape 1-0001)

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 8:32 a.m. Roll call was taken. The entire Board was present, constituting a quorum. A moment of silence was held in lieu of the Invocation. Mayor Masayko led the Pledge of Allegiance.

CITIZEN COMMENTS (1-0023) - Peter Fischer explained his background and concern regarding the use of effluent on the Silver Oaks golf course and the possibility of its contaminating City Well No. 46 with nitrate. He asked that his items be agendaized for the next meeting. The effluent use permit is up for renewal. Comments for the permit are due on October 20. An agreement made in March between Silver Oaks, Nevada Department of Environmental Protection (NDEP), and City staff indicated that a technical study was to be performed to determine the source of this contamination. To date this report has not been provided to them or the public. He urged the Board to hold the permit in abeyance until the technical report is available for public review. He also asked that NDEP hold public hearings on the permit. Justification for this request was provided. He asked that United States Geological Survey review the monitoring plan for the permit and have access to the monitoring wells and other monitoring devices and to add them to their long-term monitoring of the valley. He thanked the NDEP and City staff for their assistance regarding this issue. Mayor Masayko indicated that City staff has the requests and will follow through. Additional comments were solicited but none were given.

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1. **APPROVAL OF MINUTES - JUNE 20, 2002 (1-0076)** - Supervisor Plank moved to approve the Carson City Board of Supervisors Minutes of the meeting of June 20, 2002 as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

2. **AGENDA MODIFICATIONS (1-0088)** - None.

LIQUOR AND ENTERTAINMENT BOARD (1-0089) - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board was present, including Chief Deputy Sheriff Scott Burau as the Sheriff's Representative, constituting a quorum.

3. **TREASURER - Al Kramer - ACTION TO APPROVE AN ASSEMBLY PERMIT WITH WAIVER OF THE \$25 APPLICATION FEE AND THE \$300 LICENSE FEE FOR NEVADA DAY, INC. (1-0097)** - Nevada Day, Inc., Representative Virginia Nuzum described last year's event and the amount of tourist it had attracted. She distributed a brochure to the Board. (A copy was not given to the Clerk.) The theme for this year is "Nevada's Indian Territories". The activities will run from October 19 to October 27. Discussion indicated that they plan to have the parade use both sides of Carson Street. Public comments were solicited but none were given. Supervisor Livermore moved to approve an Assembly Permit with a waiver of the \$25 application fee and the \$300 license fee for Nevada Day, Inc., under CCMC 4.28.030 and .050; no fiscal impact. Supervisor Williamson seconded the motion. Motion carried 6-0.

BOARD OF SUPERVISORS (1-0151) - There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. The entire Board was present, constituting a quorum.

5. **BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS (1-0155)** - Supervisor Livermore asked Mr. Kramer to explore the possibility that the Nevada Day permit be considered exempt from the licensing process. Mayor Masayko supported the request. Mr. Kramer pointed out that the process allows them to advertise/promote their activities. It may be possible to have an exemption written into the ordinance. Mayor Masayko thanked Ms. Nuzum and the other representatives for attending the meeting.

4. **CONSENT AGENDA**

4-1. **SHERIFF - ACTION TO APPROVE ONGOING SUPPLEMENTATION OF INCOME FOR DEPUTIES CALLED TO ACTIVE DUTY**

4-2. **DEVELOPMENT SERVICES - ACTION TO APPROVE AN AGREEMENT BETWEEN SIERRA PACIFIC POWER COMPANY, A NEVADA CORPORATION, AND CARSON CITY, WHEREBY SIERRA PACIFIC POWER COMPANY AGREES TO ASSIGN A PORTION OF A GRANT OF BLANKET EASEMENT TO CARSON CITY FOR THE PROPOSED BIKE PATH, US 395 AND EMERSON DRIVE, APN 8-123-30**

4-3. **DEVELOPMENT SERVICES - CONTRACTS**

A. **ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON THE 2000/2001 SOUTHEAST CARSON SEWER EXTENSION - PHASE V, CONTRACT NO. 2001-026 AS SUBMITTED BY DEVELOPMENT SERVICES TO RAPID**

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CONSTRUCTION, INC., 500 CASAZZA DRIVE, RENO, NV 89502 FOR A FINAL PAYMENT AMOUNT OF \$39,197.32 AND ACCEPT THE CONTRACT SUMMARY

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE COMMUNITY CENTER ADA RETROFIT PROJECT, CONTRACT NO. 9798-134 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE A CLAIM FORM TO SHEEHAN VAN WOERT ARCHITECTS, 300 SOUTH WELLS AVENUE, SUITE 1, RENO, NV 89502 FOR AMENDMENT NO. 1 AMOUNT NOT TO EXCEED \$10,000

C. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON THE NORTHWEST STORM WATER DRAINAGE PROJECT PHASE 1-B, CONTRACT NO. 2001-037 AS SUBMITTED BY DEVELOPMENT SERVICES TO WEST COAST CONTRACTORS, 7785 WHITE FIR STREET, RENO, NV 89523 FOR A FINAL PAYMENT AMOUNT OF \$132,045.28 AND ACCEPT THE CONTRACT SUMMARY

D. ACTION ON THE AGREEMENT FOR ARCHITECTURAL SERVICES FOR THE CARSON CITY SENIOR CENTER EXPANSION, CONTRACT NO. 2002-051, AUTHORIZING THE ISSUANCE OF PAYMENTS TO HANNAFIN/DARNEY ARCHITECTS, LLP FOR A NOT TO EXCEED BASIC COMPENSATION OF \$208,115; NOT TO EXCEED INTERIOR DESIGN SERVICES OF \$25,168; AND A NOT TO EXCEED REIMBURSABLE EXPENSE AMOUNT OF \$5,000

E. ACTION TO APPROVE STAFF'S RECOMMENDATION ON CONTRACT NO. 2002-006, 2002 STREET OVERLAY CONTRACT TO APPROVE INCREASING THE CONTINGENCY BY \$150,000 TO ALLOW THE ADDITION OF IMPROVEMENTS TO PROCTOR, PLAZA, SILVER SAGE AND TIMBERLINE DRIVE AND THE FIRE TRAINING CENTER PARKING LOT

4-4. PURCHASING AND CONTRACTS

A. ACTION TO RENEW CONTRACT NO. 0001-050 WITH L. N. CURTIS AND SONS FOR THE FIRE DEPARTMENT TO PURCHASE GLOBE FIREFIGHTERS SUITS MODEL GX7 FOR THE FIRE DEPARTMENT AT \$1,067.65 PER SET OF PROTECTIVE JACKET AND TROUSER THROUGH NOVEMBER 15, 2003, WITH THE SAME TERMS AND CONDITIONS AS ORIGINALLY BID ON OCTOBER 31, 2000

B. ACTION TO APPROVE CONTRACT NO. 0203-070 TO CONTRACT WITH HIGH DESERT MICROIMAGING, INC. BY JOINDER BID THROUGH NEVADA STATE PURCHASING TO PROVIDE HARDWARE, SOFTWARE, AND SERVICES FOR ELECTRONIC DOCUMENT MANAGEMENT SYSTEMS (EDMS) FOR CATEGORIES 1, 2, 3, 4, 5, AND 6 THROUGH DECEMBER 31, 2002, AND AUTHORIZE ALL CITY DEPARTMENTS TO BE ABLE TO PLACE ORDERS FROM THIS CONTRACT PROVIDING THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCEDURES

C. ACTION TO APPROVE CONTRACT NO. 0203-072 - A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY MAXIMUS FOR A FLEET MANAGEMENT PROGRAM THROUGH MARCH 31, 2003, FOR A NOT TO EXCEED COST OF \$24,990

D. ACTION TO APPROVE CONTRACT NO. 0203-074 - A REQUEST TO HAVE THE BOARD OF SUPERVISORS DETERMINE THAT THE LISTED CITY PROPERTY IS NO LONGER REQUIRED FOR PUBLIC USE AND DEEM ITS SALE BY PUBLIC AUCTION DESIRABLE AND IN THE BEST INTEREST OF CARSON CITY

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4-5. FINANCE - ACTION TO RATIFY THE EXPENDITURE APPROVAL LISTING FOR THE MONTH OF SEPTEMBER 2002 (1-0172) - Supervisor Staub pulled Item 4-4D, the sale of property at a public auction, for discussion. Supervisor Williamson recognized and thanked the Sheriff's Department for finding a way to assist the Deputies on military leave. Chief Deputy District Attorney Mark Forsberg introduced Deputies Gary Underhill and Wayne Wheeler, who were present. Mayor Masayko thanked them for their service to our Country and indicated that Carson City is pleased to assist them. Deputy Wheeler thanked the Board, the Department, and the community for its support. Supervisor Plank moved to approve

11 of the items on the Consent Agenda and pulled the 12th item which is Item 4-4D. Supervisor Livermore seconded the motion. Motion carried 5-0.

4-4D. (1-0225) - Supervisor Staub questioned whether there had been a buyback clause in the contract when the motorcycles were purchased. Deputy Purchasing Director Cheryl Adams agreed to research the question and pointed out that the auction is scheduled for next week. Supervisor Staub felt that the research could be done quickly. If the contract did not have a buyback clause, they should go to auction due to his concern that the City could lose money on them if the motorcycles set for a year. Supervisor Plank recalled the discussion when the new motorcycles were approved for purchase had indicated that the motorcycles had a better resale value than the buyback clause offered by the supplier. For this reason, the motorcycles were to be sold. Supervisor Livermore felt that the discussion had indicated that the sale process would obtain a higher price on the open market. He questioned whether the auctioneer would be able to obtain the best price for them. Supervisor Plank suggested that a minimum bid price be set and that the auction be allowed to occur. The minimum bid should be the guaranteed buyback price. Ms. Adams felt that this could be done, however, it had never been done before. Supervisor Staub moved to approve Contract No. 0203-074, a request to have the Board of Supervisors determine that the listed City property is no longer required for public use and deem its sale by public auction with reserve regarding the minimum price of the two Harley Davidson motorcycles desirable and in the best interest of Carson City and there is no fiscal impact. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko asked Ms. Adams to supply the information to the Board as soon as possible.

5. BOARD OF SUPERVISORS

A. ACTION ON OFFER OF REASONABLE RELOCATION COSTS FOR INTERNAL AUDITOR CANDIDATE STEVE WOLKOMIR (1-0329) - Human Resources Director Ann Beck - The City did not have a relocation policy as the majority of its employees were hired locally. Research on the policy used by similar entities and the suggested policy were explained. Discussion noted that the City does not have a policy mandating employees live within the City limits. The proposal requires the individual to live more than 75 miles away in order to be eligible for relocation expenses. Internal Revenue tax rules require an individual to live more than 75 miles from the place of employment before relocation costs can be deducted. Relocation expenses were not included in the job announcement. Supervisor Livermore suggested that reference to the policy be included in future announcements. The Hospital relocation policy requires an individual to be employed for a set period of time or funds are forfeited/reimbursed. Mayor Masayko felt the IRS rules support the Hospital policy. Comments indicated that the policy could be the matrix for future employment offers and that exceptions/modifications could be made when warranted. Supervisor Livermore felt the suggested policy was reasonable and not excessive. He also felt that Mr.

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Wolkomir was the correct individual for the job. It was indicated for the record that Mr. Wolkomir had asked for \$10,000 for moving expenses. The policy offered \$8,575. Supervisor Staub supported the policy and the comments regarding Mr. Wolkomir's qualifications. He also suggested that the policy include a reimbursement of 75 percent of the relocation expenses if he does not remain for more than a year; 50 percent for two years; and 25 percent for three years. Supervisor Williamson felt that the policy was reasonable, however, was concerned about the potential number of employees/department heads who would be retiring within five years. She asked that the key positions eligible for the benefit be identified. Supervisor Plank suggested that the policy be "indexed" to address annual changes in costs. Supervisor Livermore felt that the policy had been established years ago when a Park Superintendent was hired. Mayor Masayko indicated that the Board had not approved that procedure. Mr. Berkich agreed and indicated that he was unsure how this individual's relocation costs were handled. Supervisor Plank suggested that the procedure used to hire a Public Works Director also be researched. Mr. Berkich felt that this individual was already residing in Carson City at the time he was hired. Comments indicated that the policy should be reviewed by the District Attorney's office as the offer would be restricted to certain positions. It was also felt that it should not be added to the labor contracts. Mayor Masayko indicated that he was adamant about the individual living within Carson City if the City pays the relocation costs. **Supervisor Staub moved to approve an offer of relocation expenses to Steven Wolkomir which shall not exceed the sum of \$8,575 with conditions wherein if he does not remain on the job for at least one year he reimburse the City 75 percent of this cost; not more than two years 50 percent of those costs; and not more than three years 25 percent of those costs with the additional condition that Mr. Wolkomir must live within the urban city limits of Carson City.** Following discussion, **Supervisor Staub amended his motion to be that he must live within the boundaries of Carson City. Supervisor Livermore seconded the motion.** Mayor Masayko indicated that Mr. Wolkomir would have ten days from today to respond to the job offer. The Board has established the policy and will not negotiate. He hoped that Mr. Wolkomir would accept the offer. If he does not, the same offer will be made to the second candidate. Ms. Beck felt that ten days should be adequate time for Mr. Wolkomir to accept/reject the written offer and that this would be the City's final offer. Requests/offers to negotiate will be considered a rejection. She and Mayor Masayko felt that a reasonable start date should be 30 days after the acceptance date. Ms. Beck indicated she would work with the Mayor on finalizing the date. Discussion between Supervisor Staub and Mr. Berkich indicated that the funding source would be the salary savings within the Board of Supervisors and Internal Auditor's accounts. Mayor Masayko also felt that the funds were there as there had not been any spent or distributed for CQI. **The motion was voted and carried 5-0.** Mayor Masayko complimented Ms. Beck on her report and research.

B. DISCUSSION AND ACTION REGARDING THE POSSIBILITY OF CARSON CITY HOSTING THE 2007 ANNUAL NEVADA ASSOCIATION OF COUNTIES (NACO) CONFERENCE (1-0684) - Discussion indicated that it may be possible for the registration fees to reimburse some of the City's costs. The 1998 conference had cost the City less than \$5,000 for promotional materials such as pens, book markers, and handouts. Hotels/motels also participated in the promotional activities. The registration fee normally includes the convention costs. The City will have five years to develop a host committee to handle the programming, etc. It is an opportunity to showcase the community as the State Capitol. The suggested year was 2007. It was hoped that by that time a portion/all of the freeway and the hospital will be completed for showcasing. Supervisor Williamson moved that Carson City offer to host the 2007 NACO conference and to work with NACO to organize that event. Supervisor Livermore seconded the motion. Following discussion, Supervisor Williamson amended her motion to

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indicate that if there is competition for this date, a later date will be supported. Supervisor Livermore concurred. Motion carried 5-0. Mayor Masayko indicated that he would call NACO and have staff draft a formal offer letter. It is quite an opportunity for the City.

C. ACTION ON APPOINTMENT OF A MEMBER OF THE BOARD OF SUPERVISORS TO THE ECONOMIC VITALITY COALITION (1-0784) - Mayor Masayko briefly limned the creation of the coalition and recommended Supervisor Livermore's appointment. Supervisor Livermore accepted the offer and explained his reasons for supporting the coalition. Mayor Masayko suggested that the appointment be made on a calendar basis and be reviewed annually. Supervisor Plank supported Supervisor Livermore's appointment and moved that Supervisor Pete Livermore be appointed as the member of the Board of Supervisors to the Economic Vitality Coalition for the remainder of the calendar year 2002 and in January when the Board makes its committee assignments for the Board to make an appointment again so that it will be an annual appointment. Supervisor Williamson seconded the motion. Motion carried 5-0.

D. ACTION TO SET DATE, TIME AND LOCATION OF THE GOAL-SETTING SESSION FOR THE BOARD OF SUPERVISORS (1-0854) - Discussion indicated that the newly elected public officials and Department Heads should participate in the process. The holidays and the NACO convention dates were also noted. Supervisor Livermore moved to set the date and time and location for the goal setting session for the Board of Supervisors as November 22, that the location is the Sierra Room of the Community Center, and for the time to be flexible between 8 a.m. and 10 a.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

E. NON-ACTION ITEM - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0930) - Continued.

F. NON-ACTION ITEM - STAFF COMMENTS AND STATUS REPORT - Continued.

RECESS: A recess was declared at 9:27 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 9:35 a.m., constituting a quorum.

6. HUMAN RESOURCES - Director Ann Beck - ACTION TO APPOINT ONE MEMBER TO THE PLANNING COMMISSION (1-0929) - Mayor Masayko indicated that it should be clear to all that it is the Board's policy to appoint to fill the unexpired term and that the appointee is eligible for reappointment to a full term. Mayor Masayko thanked each applicant for applying and disclosed his relationship with Ron Allen, which is through their involvement with the V&T Railway Reconstruction Commission. The Board interviewed applicants: (1-1007) Ron Allen; (1-1256) Gilbert Yanuck; (1-1570) Shon Morton; and (1-1828) Robert Potter. Discussion noted the quality of the applicants and Deborah Bunch's qualifications. She was unable to attend the meeting. Each Board member nominated a top applicant for appointment. Reasons for that nomination were sometimes given. The Board felt that it was unfortunate that Ms. Bunch had not been able to attend the meeting as her written comments and background could have provided a refreshing new approach for the Commission. Supervisor Williamson moved to appoint Ron Allen to the Planning Commission. Supervisor Plank seconded the motion. Mayor Masayko indicated that his appointment was to fill out an unexpired term. The motion to appoint Ron Allen was voted and

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carried 5-0. Mayor Masayko again thanked the applicants for applying.

7. PARKS AND RECREATION - Director Steve Kastens - ACTION TO APPROVE THE INTER-CONNECTION AND OPERATING AGREEMENT AND THE STANDBY SERVICE AGREEMENT BETWEEN SIERRA PACIFIC POWER COMPANY AND CARSON CITY, NEVADA, AND AUTHORIZE THE MAYOR TO SIGN THESE AGREEMENTS (FILE 0203-065) (1-2322) - Deputy District Attorney Jason Woodbury, Skilled Trades Technician Larry Nair, Chief Deputy District Attorney Mark Forsberg - Mayor Masayko noted his previous employment in this field and indicated that he had several questions regarding the hold harmless and the liability clauses. Discussion explained the Community Center's standby generator had not been included in the agreement due to issues regarding connecting the separate buildings. Mr. Kastens agreed to consider whether the sewerline could be connected between the Community Center and aquatic facility when the line is replaced. It may be possible to recapture the heat it generates. The proposal is to use a natural gas cogeneration system to create electricity for the aquatic facility. If it generates an adequate amount of electricity, the City will not use Sierra Pacific's power. If it does not, then Sierra Pacific will supplement the City's power source as a backup source. If more than the needed amount of power is provided, the surplus could be sold to Sierra Pacific. The heat created by the generator will be used to heat the building, showers, and the pool water. It was estimated that the savings will be between \$1500 and \$2000 per month. The program was felt to be unique and provide a short period for payback. Mayor Masayko described the process used to create the energy efficiencies and the unique opportunity to reduce the facility's operational costs.

Mr. Woodbury explained that the hold harmless clause required the City to have a \$2 million general liability policy and to list Sierra Pacific as an additional insured. The City's tort cap was explained. Insurance pool Director Wayne Carlson is concerned about the inclusion of Sierra Pacific on the policy as the City could lose its tort cap. Sierra Pacific's attorney Scott Campbell had indicated that the Public Utilities Commission requires the \$2 million general liability policy, however, Mr. Woodbury's research indicates that this is not a statutory requirement. The Public Utilities Commission had also indicated that none of the other municipalities have developed a cogeneration program. His contact with Mr. Campbell indicated that Sierra Pacific does not want to reciprocate and include the City on its insurance policy. The liability and tort concerns were discussed.

Mr. Nair explained that the City had purchased the equipment but does not maintain it. He felt that the company maintaining the equipment should share in the liability. Staff has not seen the maintenance agreement and is not sure whether this clause is included. Mayor Masayko felt that it should be. Mr. Nair indicated there is a lot of safety equipment involved in the process which should protect both entities, however, there is always a possibility that something could fail. Discussion explained the safety concern.

Mr. Forsberg explained that the Board should decide the policy concerning the risk based on the benefits and monetary savings which would be created. Sierra Pacific's concern is the risk to its employees if its service/line is down and ours is "live". The proposal is an attempt to limit the City's exposure. The District Attorney's office felt that the benefits outweighed the risks, however, the policy is up to the Board. The \$2 million liability is an attempt to mitigate the unforeseen, worst case scenario. Mayor Masayko understood Mr. Carlson's concern regarding the removal of the tort limit and suggested that a third party insurer be considered. Supervisor Plank questioned whether the insurance costs would negate the savings created by the program. Discussion pointed out the liability limits for

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vehicle accidents, sexual harassment, and civil rights issues. Mayor Masayko directed staff to analyze the cost/benefit ratio of the program and to use it as the deciding factor on whether to proceed with the program. Mr. Nair agreed to do so. Public comments were solicited but none were provided. Supervisor Livermore felt that the program was unique, new territory and vision. He questioned whether there is a review process which would indicate whether the program made sense. Mr. Nair committed to making sure that a savings will occur as the process allows staff/Viron to track the savings. Supervisor Livermore expressed the hope that the process included consideration of the legal implications as well as the savings to be generated. Mr. Forsberg pointed out that the agreement includes a clause to terminate the agreement when the connection between the City and Sierra Pacific is removed. He also felt that if the risk is unacceptable, the connection will be removed. Mayor Masayko felt that the program should function like the Community Center and not create a liability. He agreed that such an operation may not be as efficient or provide the savings as indicated. The City is not being locked into a one sided agreement. Supervisor Plank stressed the need for staff to evaluate the calculations including the insurance costs monthly. Mayor Masayko felt this direction is factored into the process. Supervisor Plank moved to approve the interconnection and operating agreement and standby service agreement between Sierra Pacific Power Company and Carson City, Nevada, and authorize the Mayor to sign these agreements; File No. 0203-065; and that, even though the action request form says there is no fiscal impact, he felt that the fiscal impact is in Mr. Nair's memorandum which is attached to the packet as being the \$1,400 to \$2,000 a month savings and the cost of insurance. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko directed staff to keep the Board apprised of the status and if there are any problems.

8. DISTRICT ATTORNEY - Chief Deputy District Attorney Mark Forsberg

A. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 5.06 (SIERRA PACIFIC POWER COMPANY) DELETING SECTIONS 5.06.020 TEXT OF FRANCHISE, 5.06.030 ENACTMENT OF ORMSBY DISTRICT FRANCHISE AND 5.06.040 TEXT OF ORMSBY DISTRICT FRANCHISE AND AMENDING SECTION 5.06.010 ENACTMENT OF URBAN DISTRICT FRANCHISE, ADDING SECTION 5.06.020 TEXT OF FRANCHISE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (1-3041) -Development Services Director Andrew Burnham- Mayor Masayko disclosed his former employment by Sierra Pacific and its retirement benefits. He indicated that his previous employment may have provided him with more information than the normal public would have. The proposed ordinance will not provide him with a fiduciary benefit. Mr. Forsberg's introduction included introductions of the Sierra Pacific representatives Les Holmes and Wes Weems, who were present, and Community Development Director Walter Sullivan. Mayor Masayko explained the reasons the Board had continued the item at the last meeting. He felt that the new ordinance was a better product than the original one. Supervisor Williamson supported his comments and explained that Sierra Pacific Representative Linda Galley had contacted her and indicated that the revised ordinance was a compromise. Mr. Forsberg explained the other revisions to the ordinance and for entering into negotiations. Mr. Burnham explained the benefits of the revised tree trimming program and a problem encountered with the previous program. Supervisor Plank explained his contact with Sierra Pacific when they are trimming trees in his area. He felt that they had always attempted to meet his requests. Discussion ensued on whether the material in the Board's packet was the same for each member. Mr. Forsberg indicated the correct ordinance had been stamped "Late Material". Mr. Forsberg and Mr. Burnham explained that the only change between the two documents was on Page 2 between Lines 12 and 17 and dealt with the master plan. Supervisor Staub felt that the only revision was

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that “within two years of enactment they must propose a comprehensive development plan to fulfill the obligations under the franchise” and that the revised copy provides a review process by the City. The new revision had been marked as late material.

RECESS: A recess was declared at 11:30 a.m. to compare the two copies of the ordinance. The entire Board was present when Mayor Masayko reconvened the meeting at 11:35 a.m., constituting a quorum.

(1-3476) Discussion indicated that the Board had received a copy of the ordinance containing the revision at Line 12 on Page 2. Supervisor Williamson indicated that she had not received a copy stamped “late material”. She felt that her copy was the same as the one under discussion. Supervisor Staub suggested that the adjacent property owners also be notified when Sierra Pacific is trimming trees. Mr. Weems explained that Sierra Pacific’s forester attempts to contact all of the property owners. If this is not possible, then a card is left on the door indicating when they will be by. This way the individual(s) can call the office to discuss the process. Supervisor Livermore explained the reasons for the concerns he had raised at the last meeting which dealt with the City’s staff. Mr. Sullivan’s memo indicated that he had not been aware of the ordinance until after the Board’s last meeting. Mr. Sullivan’s response regarding the process had answered his questions. The community will have an opportunity in two years to understand, discuss and digest Sierra Pacific’s comprehensive master plan. Therefore, he was comfortable with the process and would support it. Mayor Masayko felt that the Board had a better product as a result of the delay and urged the Board to move forward with it. Public comments were solicited but none were made. Supervisor Plank moved to introduce on first reading Bill No. 138, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 5.06 (SIERRA PACIFIC POWER COMPANY) DELETING SECTIONS 5.06.020 TEXT OF FRANCHISE, 5.06.030 ENACTMENT OF ORMSBY DISTRICT FRANCHISE AND 5.06.040 TEXT OF ORMSBY DISTRICT FRANCHISE AND AMENDING SECTION 5.06.010 ENACTMENT OF URBAN DISTRICT FRANCHISE, ADDING SECTION 5.06.020 TEXT OF FRANCHISE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO; the fiscal impact is a gain of one-half of a percent of gross revenues from the sale of electrical energy by Sierra Pacific in Carson City. Supervisor Staub seconded the motion. Motion carried 5-0. Mayor Masayko thanked the Sierra Pacific and City employees for their work on the ordinance.

9. BOARD OF SUPERVISORS - CONTINUATION OF NON-ACTION ITEMS (2-0065) - None.

RECESS: A recess was declared at 11:45 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 11:50 a.m., constituting a quorum.

8. B. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES (2-0070) -

Mayor Masayko explained that the Board would be in a Closed Session. They will return to Open Session only long enough to adjourn. There were no other matters agenzized for public discussion. Therefore, the televised airing of the Board meeting will terminate when the Board enters the Closed Session. Supervisor Plank moved to go into Closed Session pursuant to NRS 288.220 to meet with management representatives regarding labor negotiations. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko recessed the Open Session at 11:51 a.m.

Mayor Masayko reconvened the Open Session at 12:58 a.m. (The entire Board was present, constituting a quorum.)

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Supervisor Staub moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 12:59 a.m.

The Minutes of the October 3, 2002, Carson City Board of Supervisors meeting

ARE SO APPROVED ON February 20, 2003.

/s/
Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder