

CARSON CITY BOARD OF SUPERVISORS  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, July 20, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4
STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Al Kramer	Treasurer
	Walter Sullivan	Community Development Director
	Andrew Burnham	Public Works Director
	Larry Werner	City Engineer
	Tom Hoffert	Public Works Operations Manager
	Cheryl Adams	Purchasing and Contracts Manager
	Steve Schutte	Chief Deputy Sheriff
	Michael Suglia	Senior Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	Jennifer Pruitt	Senior Planner
	Sandy Scott	Contracts Coordinator

(BOS 7/20/06 Recording 8:29:00)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed following the Department's heading. Any other individuals who spoke are listed immediately following the item's heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

**CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE AND INVOCATION** - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Supervisor Williamson led the Pledge of Allegiance. Rev. Bill McCord, Retired, of the Methodist Church gave the Invocation.

**PUBLIC COMMENTS AND DISCUSSION (8:30:33)** - Guy Felton advised that he is a Carson City taxpayer but resides in Reno. His background was briefly limned. He advised that the Board can discuss the "rules of engagement between the citizens and the Board". The First Amendment does not mention decorum which trumps the freedom on expression and the citizens' ability to criticize its "hired help". Times v. Sullivan in 1964 states that as "Americans we have a profound national commitment to the principal that debate on public issues should be uninhibited, robust, and wide open and that it may well include vehement, caustic and sometimes unpleasant sharp attacks on government and public officials". Moderate v. Madison states that the "Constitution of the United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law". The Nevada Open Meeting Law states in part that a "witness that

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is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public meeting". Owen v. Independence states that "officers of the court have no immunity when violating a Constitutional right from liability for they are deemed to know the law". Attorney Generals' opinions regarding the Open Meeting Law do not have force of law. The crucible of democracy is that a government cannot be by the people and for the people unless it exercises its powers under the scrutiny of the people. The people do not yield their sovereignty to the agencies which serve them. They do not give their public servants the right to decide what is good for them to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over instruments they have created. He formally requested that the Board agenzize for an in depth discussion during a meeting in the near future the topic of proper rules of engagement between citizens and the Board. Mayor Teixeira thanked him for his comments and indicated that his request is duly noted. Additional comments were solicited.

Sam Dehne, "the Encyclopedia of Reno government and the most trusted name in Reno government", felt that "it should not make any difference that he is a property owner in Carson City". Failure to own property in Carson City should not be a reason to restrict an individual's right and duty to speak at a government meeting. His military background was limned. He felt that many of the nation's enemies are inside the Country's borders. He sang a song indicating that the Carson City Board of Supervisors does not understand the Open Meeting Law. He reiterated that the Open Meeting Law does not restrict individuals' rights to speak at public meetings to those owning property in the community. He indicated that he intended to provide instruction on how government meetings should be conducted. He alleged that he has attended every Reno City Council meeting since 1995. He complimented the brave firefighters who are protecting Carson City and Reno, Nevada; Dave Morgan for his online internet news program, which he had linked to his personal site, and the Brewery Arts Center who are televising the meetings. He then reiterated the need to have regional airline service at the Carson City Airport. Justification for having the service was provided. He noted the Consent Agenda includes a clause indicating that citizens can pull items from the Consent Agenda for discussion and asked that the District Attorney inform the Board that it needs to follow the Open Meeting Law. Mayor Teixeira asked him to direct his comments to the Board. He thanked Mr. Dehne for his comments. Additional comments were solicited.

(8:37:41) Richard Waiton expressed his feeling that his neighborhood needed help and to return to its original characteristics. He explained the reasons he moved from Roop Street to the Carmine/Lompa area. It is now littered with trash and abandoned or vehicles in various stages of repair. When walking in the neighborhood, he has been accosted by people or individuals in vehicles who make derogatory remarks. The City Code allegedly prohibits having more than two or three vehicles per residence, littering, and changing oil in the street. He had purportedly discussed these issues with the Sheriff's Office and was informed that nothing can be done about them. His personal involvement with the Salvation Army 30 years ago was explained and illustrated how transient/vagrant problems were handled then. He felt that his area has become a slum. His concern about individuals parking on his private road at 3 a.m. and 4 a.m. was described. He had allegedly discussed his concerns with his neighbors who are also not proud of the area. Respect for the neighborhood and the residents is gone. He alleged that he cannot get a Deputy to patrol the area. Mayor Teixeira indicated that he understood Mr. Waiton's concerns. He suggested that Mr. Waiton discuss the matters with Supervisor Aldean who represents his area. Supervisor Aldean invited Mr. Waiton to call her after the meeting so that they can discuss the concerns. She also explained that the issues he had raised are covered by the Code Enforcement Division of the Health Department. Mr. Waiton then explained a residence whose original

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owner had died and the “children” had sold the property. Today there are 15 to 20 cars parked at that location that are being worked on. He also indicated that there are two or three other properties with 15 to 20 cars on them. Fences are being destroyed or left in various stages of disrepair. Trash is littering the area. He often picks up trash throughout the neighborhood when he can do so safely. Shopping carts are being left throughout the area. Mayor Teixeira indicated that his concerns were noted. Mr. Waiton then indicated that he was willing to solicit individuals to run for Board positions if he must to get something done. The Board should serve the people. Additional comments were solicited but none were given. Supervisor Aldean stepped from the dias at 8:45 a.m. A quorum was still present.

1. **ACTION ON APPROVAL OF MINUTES (8:44:20)** - Supervisor Williamson moved for approval of the Minutes of the Carson City Board of Supervisors for June 1, 2006. Supervisor Livermore seconded the motion. Motion carried 4-0.
2. **CHANGES TO THE AGENDA (8:44:13)** - None.
3. **LIQUOR AND ENTERTAINMENT BOARD** - Mayor Teixeira then recessed the Board of Supervisors session and convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder for this date.

**BOARD OF SUPERVISORS** - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Aldean was absent.

4. **CONSENT AGENDA (8:54:26)**
  - 4-1. **CLERK-RECORDER - ACTION TO DIRECT THE COUNTY CLERK, IN CONSULTATION WITH THE DISTRICT ATTORNEY, TO PREPARE AN ARGUMENT ADVOCATING APPROVAL BY THE VOTERS OF THE SCHOOL DISTRICT BOND AND AN ARGUMENT OPPOSING APPROVAL BY THE VOTERS OF THE SCHOOL DISTRICT BOND PURSUANT TO NRS 295.121(6)**
  - 4-2. **SHERIFF - ACTION TO APPROVE A COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN THE CARSON CITY SHERIFF’S DEPARTMENT AND THE U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE MANAGEMENT UNIT**
  - 4-3. **AIRPORT AUTHORITY - ACTION TO APPROVE AN AIRPORT LEASE ASSIGNMENT FROM SILVER FLITE, INC., TO RONALD J. KITCHEN AND RHONDA K. KITCHEN, OR THEIR SUCCESSORS, TRUSTEES OF THE KITCHEN FAMILY TRUST**
  - 4-4. **PURCHASING AND CONTRACTS**
    - A. **ACTION TO EXTEND CONTRACT NO. 0304-007, ROAD BASE AGGREGATE WITH CANYON CREEK CONSTRUCTION TO PROVIDE TYPE II CLASS B AGGREGATE BASE MATERIAL AT \$7.70 PER TON BASED ON DELIVERY IN BOTTOM DUMP TRAINS (APPROXIMATELY 35 TONS PER LOAD) AND AN ADDITIONAL \$2.25 PER TON WILL BE CHARGED FOR DELIVERY MADE WITH SINGLE BOTTOM DUMPS OR ENDUMPS (APPROXIMATELY 20 TONS PER LOAD) FOR A NOT TO EXCEED AMOUNT OF \$90,000 FROM THE STREET MAINTENANCE FUND, WATER MAINTENANCE FUND, AND THE SEWER MAINTENANCE FUND AND NO CHANGE IN THE ORIGINAL TERMS AND**

**CONDITIONS AS ORIGINALLY AWARDED THROUGH AUGUST 7, 2007, WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL YEAR SUBJECT TO NEGOTIATION**

**B. ACTION TO EXTEND CONTRACT NO. 0304-019 WITH EAGLE PICHER FILTRATION AND MINERALS, INC., FOR PUBLIC WORKS TO PURCHASE WATER TREATMENT PLANT FILTER MEDIA ON AN AS-NEEDED BASIS THROUGH SEPTEMBER 4, 2007, AT A COST OF \$7.50 PER 50 LB. BAG PLUS FREIGHT AND FUEL SURCHARGES FOR A NOT TO EXCEED AMOUNT OF \$81,000 FROM THE WATER FUND**

**4-5. PUBLIC WORKS - CONTRACTS**

**A. ACTION TO ACCEPT THE RECOMMENDATION OF PUBLIC WORKS TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND APPROVE THIS RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$31,041 ON THE PRODUCTION WELL NO. 25B AND WELL NO. 51 PROJECT, AS PROVIDED IN THE FY 2004/2005 WATER CAPITAL PROJECTS-PRODUCTION WELLS ACCOUNT 520-3505-435-7857, CONTRACT NO. 2004-110, TO RDC, INC., DOING BUSINESS AS RESOURCE DEVELOPMENT COMPANY, 2305 GLENDALE AVENUE, #10, SPARKS, NEVADA 89501**

**B. ACTION TO ACCEPT THE RECOMMENDATION OF PUBLIC WORKS TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND APPROVE THIS RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$35,721 ON THE PRODUCTION WELL NO. 10B AND WELL NO. 5 PROJECT, AS PROVIDED IN THE FY 2004/2005 WATER CAPITAL PROJECTS-PRODUCTION WELLS ACCOUNT 520-3505-435-7857 CONTRACT NO. 2004-111, TO RDC, INC., DOING BUSINESS AS RESOURCE DEVELOPMENT COMPANY, 2305 GLENDALE AVENUE, #10, SPARKS, NEVADA 89501**

**4-6. PUBLIC WORKS - ENGINEERING - ACTION TO APPROVE DEDICATIONS OF LAND FOR PUBLIC RIGHT-OF-WAY FROM PROPERTY OWNER GARTH RICHARDS, PRESIDENT OF SILVER OAK DEVELOPMENT COMPANY, LLD, TO CARSON CITY FOR:**

- A PORTION OF FLINTWOOD DRIVE, AND TAYLOR WAY, CONTAINING 32,252± SQUARE FEET IN SILVER OAK PHASE 7 SUBDIVISION; AND**
- A PORTION OF GS RICHARDS BOULEVARD AND IVY BALDWIN (ALSO KNOWN AS, GS RICHARDS BOULEVARD), CONTAINING 1.78± ACRES IN SILVER OAK PHASE 8 SUBDIVISION; AND**
- A PORTION OF GS RICHARDS BOULEVARD , CONTAINING 33,843± SQUARE FEET IN SILVER OAK PHASE 10 SUBDIVISION; AND**
- A PORTION OF EVERGREEN DRIVE, A PORTION OF SNOWFLAKE DRIVE, A PORTION OF CHRISTMAS TREE DRIVE, HAWTHORNE COURT, AND EMILY COURT, APN 007-475-01, CONTAINING 2.63± ACRES IN SILVER OAK PHASE 11 SUBDIVISION; AND**
- A PORTION OF FLEETWOOD DRIVE, WATERCREST DRIVE, WATERCREST COURT AND A PORTION OF BLUEGRASS DRIVE (TO PHASE 5), CONTAINING 2.14± ACRES IN SILVER OAK PHASE 12 SUBDIVISION; AND**
- A PORTION OF CHRISTMAS TREE DRIVE, A PORTION OF SNOWFLAKE DRIVE, ASHWOOD COURT, WALNUT COURT AND AMBERWOOD DRIVE, CONTAINING 3.14± ACRES IN SILVER OAK PHASE 14 SUBDIVISION; AND**
- A PORTION OF SNOWFLAKE DRIVE, AND FERN MEADOW CIRCLE, CONTAINING 1.43± ACRES IN SILVER OAK PHASE 15 SUBDIVISION; AND**
- TURNER COURT, DOMINIC COURT, COLLIER COURT, ESSER COURT, SILVER STREAM**

**DRIVE AND GENTILE COURT, CONTAINING 2.58± ACRES IN SILVER OAK PHASE 16 SUBDIVISION; AND**

• **A PORTION OF NORTH ORMSBY BOULEVARD AND ROBB DRIVE, CONTAINING 1.12± ACRES IN SILVER OAK PHASE 18 SUBDIVISION** - Sam Dehne asked that Item 4-1 be pulled for discussion as it is a multi-million dollar project and he wanted the citizens to see it. An explanation of his reason indicated that he had never seen a situation like this before where no one wished to write either a pro or con argument for a ballot question. None of the other items were pulled for discussion. Supervisor Livermore moved for approval of the Consent Agenda that now consists of seven items, 4-2 from the Sheriff, 4-3 from the Airport Authority, two from Purchasing and Contracts, and two from Public Works - Contracts, and one from Public Works - Engineering for a total of seven items. Discussion questioned whether a Resolution Number was needed for any of the items. One was not needed. Supervisor Staub seconded the motion. The motion was voted and carried 4-0.

**4-1. (8:56:58)** - Clerk-Recorder Alan Glover explained that he had unsuccessfully advertised for individuals to write the pro and con arguments for the ballot question. Noone responded. They are encountering the same problem on ballot questions throughout the State. For this reason the Clerks went to Assemblyman Harry Mortonson, who had drafted the legislation, and obtained his support of the concept which allows the Clerk and the District Attorney to draft the arguments when volunteers cannot be found. This is the first time the amendment has been used. By bringing the matter to the Board, the general public is advised that they are out of time and that no volunteers were found to write the arguments. They will have to work with the bond counselor on this issue. The School District submitted the bond language to his office in a timely manner as required. During the last election he had begged people to write the arguments. He wound up with one individual for each committee. People were “brow beaten” into writing the arguments for the NACO question. People obtained by brow beating do not have a lot of interest in the arguments. It is hard to get them to meet the deadlines. The original statute had required only Clark and Washoe Counties to have the committees. This statute was revised to require any County with a population of 40,000 to have the committees. It is a good law, however, when individuals cannot be found for the committees, an alternative process is needed.

Mr. Dehne indicated that pages are being added daily to his encyclopedia. He thanked the Board for allowing him to speak on the issue. Allowing discussion on the matter will provide an explanation to the public when they vote on the issue as to why the District Attorney had written both the pro and con arguments. He had never seen a school bond issue where no one wished to write an argument for or against the issuance. He felt that it was necessary for the television audience to see what is going on. This is a gigantic operation. The Consent Agenda was created for mundane items. Mayor Teixeira reminded him to stay on the issue. Mr. Dehne claimed that it is on the issue as it is on the Consent Agenda, itself. The Consent Agenda is for strictly housekeeping items. This is a multi-million dollar situation. He suggested that an amendment be made to the law whereby volunteers could be obtained in the same fashion as jurors. This concept would use three individuals for each side and force them to write the arguments. Someone should analyze the concept. He felt that the District Attorney has a “vested interest” in the matter. Additional comments were solicited but none were given. (During Mr. Dehne’s comments, Supervisor Aldean returned - 9:01 a.m. The entire Board was present, constituting a quorum.)

Supervisor Livermore moved to direct the County Clerk, in consultation with the District Attorney, to prepare

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an argument advocating approval by the voters of the School District bond and an argument opposing approval by the voters of the School District bond pursuant to NRS 295.121(6). Supervisor Williamson seconded the motion. Motion carried 5-0.

**5. PUBLIC WORKS - CONTRACTS - Public Works Director Andrew Burnham - ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION AND AWARD THE CARSON CITY SHERIFF'S DEPARTMENT ADMINISTRATION BUILDING PROJECT, CONTRACT NO. 2005-176 FROM THE FISCAL YEAR 2005/2006 CONSTRUCTION PROJECTS/SHERIFF'S ADMINISTRATION BUILDING/GENERAL FUND CAPITAL ACCOUNT FOR THE FOLLOWING WORK SCOPE NUMBERS 10, 12, 17, 22, 23, 24, 25, AND 31, AS PROVIDED IN THE BID TABULATION, FOR AN ADDITIONAL AGGREGATE CONTRACT OF \$739,795 (9:02:40)** - Mr. Burnham advised that these contracts were the last of the contracts for the Sheriff's Administration Building. They were negotiated as noone bid them and that the total of all of the contracts is \$8,000 under the original estimate. When the contingency is added to the original estimate, the total project is under its budget. Discussion explained that these items placed the project \$160,000 over the estimate on the Action Request Form submitted with the other contracts at the last meeting. It also questioned whether the total sum of the bids was less than the original estimate. Comments indicated that Mr. Burnham did not see any "show stoppers" and that the bids should be approved. Supervisor Aldean moved to accept Public Works' recommendation and award the Carson City Sheriff's Department Administration Building Project, Contract No. 2005-176, from the Fiscal Year 2005-2006 Construction Projects/Sheriff's Administration Building/General Fund Capital Account for the following Work Scope Numbers: 10, 12, 17, 22, 23, 24, 25, and 31 as provided in the bid tabulation for an additional aggregate contract of \$739,795. Supervisor Williamson seconded the motion. Additional comments were solicited but none were given. The motion was voted and carried 5-0.

**6. PUBLIC WORKS - PLANNING AND ZONING - Community Development Director Walter Sullivan**

**A. ACTION TO ADOPT A RESOLUTION IN SUPPORT OF THE SELECTION OF A GROWTH MANAGEMENT RATE OF 3%, A SPECIFIC NUMBER OF RESIDENTIAL BUILDING PERMIT ENTITLEMENTS (715) FOR 2007 AND SET A THRESHOLD LIMIT AS TO THE AMOUNT OF GALLONS OF WATER PER DAY (7,500) THAT A COMMERCIAL/INDUSTRIAL OR INSTITUTIONAL USE MAY UTILIZE WITHOUT GROWTH MANAGEMENT COMMISSION APPROVAL AND OTHER MATTERS RELATED THERETO. FILE NO. GM-06-038 (9:05:35)** - Senior Planner Jennifer Pruitt, City Manager Linda Ritter, Sam Dehne, "the Encyclopedia of Reno Government and the most trusted name in Reno government and as a property owner in Carson City" - Mr. Sullivan's introduction included compliments to Senior Planner Pruitt on her letters soliciting information and development of the document and to Public Works Operations Manager Hoffert on his report. He also explained the importance of Mr. Hoffert's information to the Growth Management concept. Discussion explained that only 12% of the permits have been taken so far this year. Mayor Teixeira stressed the importance of Ms. Pruitt and Mr. Hoffert's work and thanked them for it. Supervisor Aldean suggested that an analysis by the Health and Human Services be included in the threshold information. Justification for its inclusion was provided. She asked that an ordinance amendment to include it be brought to the Board. Mr. Sullivan explained that his staff in an awkward position when it receives the information and asked that the information be included in the Department's budget requests. Ms. Ritter indicated that the process needs to

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analyzed and the factors better defined. Amendments to the ordinance may be made in the future. Mayor Teixeira pointed out that they had been using the process for many years without the number of permits ever coming close to its cap. The process, however, supports growth. Now that the City is running out of dirt, the figure is a “joke”. The process used to arrive at a figure to support growth is valid and should be continued. He also thanked Ms. Pruitt for her work on the program. Mr. Dehne asked to speak. Mayor Teixeira informed him that he could speak under the comment period. Supervisor Williamson moved to adopt Resolution No. 2006-R-34, Option 1, a resolution in support of the selection of a Growth Management rate of three percent, a specific number of residential building permit entitlements of 715 for 2017 and to set a threshold limit as to the amount of gallons of water per day of 7,500 that a commercial/industrial or institutional use may utilize without Growth Management Commission approval and other matters related thereto. Supervisor Livermore seconded the motion. Comments were solicited.

Mr. Dehne advised that he heartedly approved the vote which the Board was about to take. It is a crucial issue. The City caps its growth at three percent which is 715 permits. This should be said loud and clear. He suggested that the name be changed to progress management as it is a more “comfortable” term. Mayor Teixeira thanked him for his comments. Mr. Dehne indicated that, as there is no clock and he had not stopped the others, he had a few other comments he wished to state. He suggested that a lady come to Reno and talk to them about the counter points. Its agenda is not as “clear cut, open and shut”. He felt that its operation is helter-skelter, day after day, without any coordinated growth management. He complimented the Board for having this procedure. When one contemplates growth, they should think about everything and not restrict it to water and sewer. Air, police, firefighters, gridlock, road rage, etc., should be considered also. He espoused the need for scheduled airline services which is coming—. Mayor Teixeira advised him that this was not on the topic. He felt that Mr. Dehne had not said anything except to espouse his views. He also told him that he should not interrupt. Mr. Dehne alleged that Roberts Rules allows an individual to respond to comments directly to the individual. Mr. Dehne did not feel that he had extended the envelope. He had spoken on the mark. Mayor Teixeira invited Mr. Dehne to have a seat. He informed Mr. Dehne that he was disrupting the meeting in his opinion. He is the only one that counts. Mr. Dehne asked if Mayor Teixeira wanted him to leave. Mayor Teixeira responded that it was up to Mr. Dehne. Mr. Dehne replied that he “disagreed”. Additional comments were solicited but none were given.

The motion to approve the three percent resolution was voted and carried 5-0.

**B. ACTION TO APPROVE AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM METCALF BUILDERS (PROPERTY OWNER: CARSON GAMING LLC) TO ABANDON A PORTION OF THE RIGHT-OF-WAY FOR VOLTAIRE CANYON ROAD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC) / MULTI-FAMILY APARTMENT (MFA), LOCATED AT 4040 SOUTH CURRY STREET, VOLTAIRE CANYON DRIVE AND SOUTH CURRY STREET, APN'S 009-154-01 AND 009-151-52, BASED ON SEVEN FINDINGS AND SUBJECT TO SIX CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT AND TO AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT. FILE AB-06-086 -** Senior Planner Jennifer Pruitt - The Applicant was not present. Comments were solicited. Discussion indicated that an access to the property had been established in 1980. A description of the accesses from Curry Street and Voltaire Street were provided. Supervisor Livermore moved to approve an Abandonment of Public Right-of-Way application from Metcalf Builders, property owner: Carson Gaming LLC, to abandon

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a portion of the right-of-way for Voltaire Canyon Road on property zoned General Commercial/Multi-Family Apartment located at 4040 South Curry Street, Voltaire Canyon Drive and South Curry Street, APNs 009-154-01 and 009-151-52, based on seven findings and subject to six conditions of approval contained in the staff report and to authorize the Mayor to sign the order of abandonment. Supervisor Aldean seconded the motion. Comments were solicited but none were given. The motion carried 5-0.

**C. ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS AVALON COURT FROM PARKWAY MANOR, INC., A 6.9-ACRE, 219-LOT (176-DWELLING UNIT) CONDOMINIUM COMMON-INTEREST COMMUNITY (CONVERSION), ON PROPERTY ZONED MULTIFAMILY APARTMENT, LOCATED AT 603 COLLEGE PARKWAY, ASSESSOR'S PARCEL NUMBER 002-753-01, BASED ON 12 FINDINGS AND SUBJECT TO THE 14 CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT. FILE TSM-06-065 9:16:07)** - Applicant's Representative Sam Terry, Building Official Kevin Gattis, Assistant Chief Fire Marshall Bruce Van Cleemput - The parking condition of approval was removed as there is one parking space above the required number for the project. Mr. Sullivan's introduction included complimenting Mr. Terry, Assistant Fire Chief Van Cleemput, and Chief Building Official Gattis for their assistance with the conversion ordinance. This application is the first project under that ordinance. The concept is to convert the apartments to condos which will be owned by the occupants. Discussion noted that there are garages, carports, and parking spaces in the project. Mr. Gattis explained the time required to do the ordinance and develop the project. Mr. Van Cleemput felt that they were satisfied with the ordinance and project. Mr. Terry's project is a test of the ordinance. If needed, changes can be made later. Both felt that the ordinance will provide a good product. Mr. Terry's structure is relatively new and should be easy to convert. Mr. Terry described the size of the units and indicated that the target price is \$225 per square foot. A study of the market has not been done. He felt that the smaller units will be considered affordable. He also indicated that the unit may be sold as is and the buyer allowed to convert the unit which may be cheaper. The process of notifying the current tenants was described. It will be conducted as mandated by the Statutes. There is 120 day period between the notice and commencement of the conversion. The tenants will have first right of refusal. A price will be included in the notice. The leases must be honored until their expiration dates. After the lease expires the tenant will be allowed to continue renting the unit until a contract is signed. If the lease has expired, the tenant may leave if he/she wishes. If the unit is vacated, work on the conversion will commence. Due to a desire to keep the cash flow from the rentals, the tenant may be moved into a different unit. There will be a homeowners association. They may market the unit to investors but it will not be done on purpose. Discussion indicated that the CC&Rs do not prohibit renting the units. It also does not have a limit on the number of units owned by investors. Supervisor Livermore encouraged them to add such restrictions. Mr. Terry indicated that a consultant is looking over homeowner association rules for a way to restrict investors. He assured the Board that they do not want all of the units to investors. They want the individuals who purchase the units to live in them. Discussion pointed out that investors will charge a higher rent and will compete with others in the community. Discussion also indicated that the current vacancy factor is 3.25%. Another vacancy analysis will be conducted in October. Supervisor Aldean moved to approve a Tentative Subdivision Map application known as Avalon Court from Parkway Manor, Inc., a 6.9 acre, 219 lot, 176 dwelling unit, Condominium Common-Interest Community, conversion, on property zoned Multi-Family Apartment, located at 603 College Parkway, Assessor's Parcel Number 002-753-01, based on 12 findings and subject to the 14 conditions of approval contained in the staff report. Supervisor Livermore seconded the motion. Comments were solicited but none were given. The motion carried 5-0.

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RECESS: A recess was declared at 9:31 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:37 a.m., constituting a quorum.

7. **CITY MANAGER** - Linda Ritter

**A. PRESENTATION BY RON NORTON OF COMPUTER CORPS REGARDING THEIR ORGANIZATION'S PROGRAMS AND ACTIVITIES (9:38:19)** - President/CEO Ron Norton used computerized slides to highlight his presentation. (A copy is in the file.) The program started 8½ years ago. It continues to expand and grow. They have a 40,000 square foot facility. They are out of room and money. They receive on an average 2,000 computer systems per month. Community support was noted. Their effort to make every home a classroom was limned. Computers are provided to individuals complete with programs and software. Their goal for this year is to provide a computer system for every family in the School District who cannot afford one. It costs them \$93 a unit to recycle/rebuild a unit and deliver it to the family. This cost may be reduced by expanding the number of units provided. The City's assistance was solicited. Mr. Norton also indicated an intent to seek Legislative assistance next year. The Board was invited to visit the site at any time. Volunteers were also solicited. Discussion indicated that their funding is provided from a variety of sources including \$10,000 per month from their thrift shop, grants, and solicitations. Board comments complimented him on their efforts. The technical computer camp for 10 to 15 year olds was described. The facility's location and business hours were provided. Discussion also noted that, as the cost of computer systems drops and new systems are developed, their life span shortens. Mr. Horton estimated that the systems have a one to four year life span. There is some assistance available to help connect the system to the internet when initially placed in a home. Comments also indicated that one method of eliminating spam is to "not turn on the computer". Mayor Teixeira thanked him for the presentation. No formal action was required or taken.

**B. FINAL REPORT BY UNIVERSITY OF NEVADA COOPERATIVE EXTENSION OF ACTIVITIES AND ACCOMPLISHMENTS RELATED TO THE WATERFALL FIRE EDUCATION GRANT, WHICH EXPIRES AUGUST 5, 2006 (9:52:11)** - Extension Director JoAnn Skelly, Leslie Bensinger, Meri McEneny - The grant ends on August 5 which is the end of two years of activities related to the Waterfall Fire. A computerized slide presentation was given illustrating/highlighting the activities. *Living with Fire* documents were distributed and are included in the file. Four hundred fifty pounds of seeds were distributed to the residents. The results of the effort are now being seen. The effort helped control the dust and ash erosion. Volunteers who assisted with the tree plantings were noted. Discussion noted the benefits of the goat and sheep grazing efforts to control weeds and reduce fire hazards. They were also felt to be educational and entertaining to the residents. Benefits of the defensible space program and its educational efforts were noted. The creation of Fire Safe Councils were limned. Volunteers' efforts to eliminate Yellow Star Thistle was also indicated. The effort to water the trees that had been planted had successfully saved 44% of the trees. They had expected a ten percent save rate. There may be more there, however, the tall grass made it difficult to find the seedlings. Ms. Skelly stressed the need to get the educational material to homeowners in other portions of the community and, specifically, to the east side as it has not burned recently. The email address for the material was provided. It was explained that Greenhouse Garden Center and Lowes have the information. Ms. Skelly indicated that she had been fugal with the funds and that there is approximately \$40,000 left. She explained the desire to use these funds to control/eradicate the Russian Knapweed and for a part-time person to work with the Fire Safe Councils. If the Board needed it, she was willing to submit a proposal. She thanked Ms. Bensinger and Ms. McEneny for their dedication and service.

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She also complimented the community and City employees for their participation. The Board complimented Ms. Skelly, Ms. Bensinger, and Ms. McEneny on their efforts. City Manager Ritter indicated that she will agenize the request for a future meeting. Supervisor Aldean directed that she do so and indicated that she is a member of the recently formed North Carson Fire Safe Council. No formal action was taken or required.

**C. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 4.27, BICYCLES, AND OTHER MATTERS PROPERLY RELATED THERETO (10:15:03)** - Supervisor Livermore advised that he had been contacted by a individual regarding the ordinance. He also noted that the last revenue report indicated only \$100 was received and that the cost for implementing the program is \$35 per hour. It is not cost efficient to maintain the program. Supervisor Livermore moved to introduce on first reading Bill No. 120, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 4.27, BICYCLES, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10:17 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:31 a.m., constituting a quorum.

**D. ACTION TO APPROVE A FINANCIAL CONTRIBUTION OF \$55,000 TO CARSON TAHOE REGIONAL HEALTHCARE TO SUPPORT THE ADOLESCENT INTENSIVE OUTPATIENT PROGRAM - (10:30:16)** - President and Chief Executive Officer Ed Epperson - Supervisor Livermore disclosed he was abstaining and recusing himself from the discussion and relevancies due to a potential conflict of interest. Supervisor Staub disclosed he is a member of the Board of Finance for the Carson-Tahoe Hospital as a non paid volunteer and that he will not abstain from this action. Mr. Epperson explained the business name is Carson Tahoe Regional Healthcare and that Carson Tahoe Regional Medical Center is its largest facility and their center of services. He apologized for delaying the meeting and expressed the hope that his clinical staff will arrive shortly. He did not wish to delay the meeting any longer and asked that the Board continue. He then described the decision that was made to close the outpatient behavioral programs and the discovery of its need since then. They have agreed to keep the adolescent programs through the remainder of the Calendar Year 2006. An attempt will be made to obtain assistance to make it as self-sustaining as possible in the future. The increased subsidy for the service since 2005 was noted. In order to keep the program open, a funding request was made. Benefits of the Adolescent Intensive Outpatient Program (AIOP) were noted. He asked the City to share the cost to maintain the program for six months. The funding will be taken from HealthSmart. He then reminded the Board of the continuing and increasing cost of charity care which is uncompensated. He felt that the Hospital's uncompensated, charity care was moving from 3% of its net revenue, which was incurred in 2003, to 8% of the net revenue in 2006. These figures are preliminary. A report regarding it will be provided in the future. He believed that the figures will show that the amount of Carson City charity cases have tripled from 2003 to 2006. They have been looking at the programs without funding and attempting to determine which ones should be eliminated or where other funding can be found to support them.

Mayor Teixeira disclosed that they had a frank discussion on the topic. He complimented Mr. Epperson on his willingness to admit his lack of understanding regarding the need for the adolescent program and to reconsider that decision. The request is for the City to assist with the subsidy at the tune of \$27,000 for six

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months. Mayor Teixeira believed that the program is vital to the community and that the community is very concerned about its termination as indicated by the volume of telephone calls he has received on it.

Mr. Epperson then explained the creation of the HealthSmart program and the Hospital's funding for it. It was never intended that the Hospital would continue to pay for this program. Notification that the Hospital was terminating its support was given when Mr. Epperson authorized payment of the last invoice. He had provided the notice due to his knowledge of the unannounced proposal to cut some programs and reduce staffing. He has since learned that HealthSmart will dissolve. Mayor Teixeira agreed that HealthSmart will dissolve. Mr. Epperson indicated that he did not know that the Hospital was its sole funding source.

Supervisor Aldean indicated that the statements were true. She also advised that its Executive Director had resigned. The Hospital had provided some financial stability for the organization as it had relied upon its funding. The mental health coalition is a valuable tool and will be continued but in a restructured form at the City's Health and Human Services Department. The funds will allow the Department to continue conducting the meetings. She expressed her pleasure at having the AIOP reassessed. She had reviewed the Minutes when the Hospital became a nonprofit entity. There was a commitment by Hospital Chairperson Mills to provide the health services dictated by the community if it becomes a 501c3 entity. This argument was used to justify not becoming a for profit entity. She was pleased to see that Mr. Epperson perceived that the residents are using the facility as a community hospital. She indicated that she had a problem with providing the \$27,500. The mental health coalition had met yesterday. It was determined during that meeting that the City and the Hospital need to map out a course for AIOP for the future. She asked Mr. Epperson to participate in this process. Justification for her request was provided.

Mr. Epperson committed to engaging to the level desired, to look at keeping whatever programs are determined to be needed, and to keep those programs for the remainder of the year. He acknowledged that the process could include adding programs.

Mayor Teixeira expressed his belief that the community's youth need an ongoing program. He believed it is more than a financial obligation to provide such programs. It is a moral obligation. He acknowledged that not every person who needs the service will use it as some will use private providers. He also indicated that the program involves parents and the children and is very vital to the community.

Supervisor Williamson thanked Mr. Epperson for coming and participating in a more measured transition. She also understood that the Hospital has become a business that must consider its bottom line. The Board had received heartfelt telephone calls from families who felt that individuals were making progress due to it and the "rug had been pulled out from under them" as a result of the decision to close the programs. She anticipated that in six months the current program may be changed which would provide the Hospital with some relief. She also complimented Dr. Runyan, whom she did not know, for his tremendous following and loyalty among the parents and the clients. She also believed that the interim period may allow insurance carriers an opportunity to fill the void by adding more providers to their coverage. It was her understanding that the Hospital had been the sole provider for some insurance programs. The extension will provide an opportunity for additional transition mechanisms to be developed. She expressed an intent to support a motion as suggested.

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Supervisor Aldean moved to approve a financial contribution not to exceed \$27,500 to the Carson Tahoe Regional Healthcare to support the Adolescent Intensive Outpatient Program to be funded from the 2006-2007 Contingency Account. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Livermore abstaining. Mr. Epperson expressed his hope that Supervisor Williamson will be able to meet Dr. Runyan. He is an extra ordinary individual. The individuals who provide the service are incredibly dedicated individuals. Mr. Epperson that the Hospital had learned a lot about the need for more careful and thoughtful expansion of their services as they move forward than they have done in the past.

**8. BOARD OF SUPERVISORS - NON-ACTION ITEMS:**

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (10:49:15)-**  
None.

**B. STAFF COMMENTS AND STATUS REPORT (10:49:20) -** None.

RECESS: Mayor Teixeira declared a recess at 10:50 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 1:30 p.m. for a joint meeting with the Carson City Charter Review Committee. A quorum of the Board was present.

**CALL TO ORDER AND ROLL CALL OF THE CHARTER REVIEW COMMITTEE (1:28:00) -**  
Chairperson DePauw convened the Committee. Roll call of the Committee was conducted. Committee Members present included: Chairperson DePauw and Members Andreas, Lincoln, and Wallace. Member Suwe arrived at 1:32 p.m. Members Allen and Adler were absent. A quorum was present.

**PUBLIC COMMENTS AND DISCUSSION -** None.

**9. CLERK-RECORDER-** Alan Glover, Chairperson Donna DePauw

**A. ACTION TO PRESENT TO THE NEVADA STATE LEGISLATURE THE RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO ADOPT THE FOLLOWING LANGUAGE AS AN AMENDMENT TO THE CARSON CITY CHARTER TO ESTABLISH A PROCESS BY WHICH THE MAYOR WOULD BE REPLACED IN THE EVENT OF RESIGNATION OR DEATH WHILE IN OFFICE: "A VACANCY IN THE OFFICE OF MAYOR CREATED OTHER THAN BY TEMPORARY ABSENCE OR DISABILITY MUST BE FILLED BY THE MAYOR *PRO TEM*, WHO SHALL SERVE AS MAYOR UNTIL THE NEXT GENERAL ELECTION; THE VACANCY IN THE OFFICE OF SUPERVISOR CREATED BY THE MAYOR *PRO TEM*'S ASSUMPTION OF THE MAYOR'S OFFICE SHALL BE FILLED BY APPOINTMENT, AS OUTLINED ABOVE." (1:29:52) -** The 30-day time frame for the appointments are contained in the NRS and the Charter. Justification for having a replacement program was explained. The proposal must be approved by the Legislature before it is enacted. Supervisor Aldean moved to present to the Nevada State Legislature the adoption of the following language as an amendment to the Carson City Charter to establish a process by which the Mayor will be replaced in the event of resignation or death while in office: "A vacancy in the office of Mayor, created other than by temporary absence or disability, must be filled by the Mayor Pro-Tem, who shall serve as Mayor until the next General Election; the vacancy in the office of Supervisor created

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by the Mayor Pro-Tem's assumption of the Mayor's office shall be filled by appointment, as outlined above."; (and) Paragraph 2 of Section 2.030 is proposed to read as follows: "No such appointment or succession shall extend beyond the first Monday in January after the next General Election at which a new Supervisor and/or Mayor must be elected.". Supervisor Livermore seconded the motion. Motion carried 5-0.

**B. ACTION TO PRESENT TO THE NEVADA STATE LEGISLATURE THE RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO ADOPT THE FOLLOWING LANGUAGE AS AN AMENDMENT TO THE CARSON CITY CHARTER: "SECTION 2.340 BENEFITS OF CARSON CITY ELECTED OFFICIALS. THE CARSON CITY BOARD OF SUPERVISORS MAY PASS ORDINANCES GRANTING THE SAME BENEFITS PROVIDED TO UNCLASSIFIED EMPLOYEES OF THE CITY TO ELECTED OFFICIALS."(1:34:30)** - Justification for the proposal included the lack of knowledge regarding when or if the Legislature will grant the elected officials a salary increase and the fact that some elected officials are experiencing compaction problems with their unclassified employees' salaries. The proposal will not grant the Board or the elected officials a salary increase. It will, however, grant them some benefits which the unclassified employees have. Supervisor Livermore moved to present to the Nevada State Legislature the adoption of the following language as an amendment to the Carson City Charter: "Section 2.340 Benefits of Carson City Elected Officials. The Carson City Board of Supervisors may pass ordinances granting the same benefits provided to unclassified employees of the City to elected officials.". Supervisor Aldean seconded the motion. Discussion indicated that the elected officials are: Assessor, Clerk-Recorder, Treasurer, District Attorney, and Sheriff. The motion was voted and carried 5-0.

**C. ACTION TO PRESENT TO THE NEVADA STATE LEGISLATURE THE RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO AMEND THE CARSON CITY CHARTER TO REQUIRE ALL CITY ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES TO ENACT BYLAWS OR UTILIZE COMMON BYLAWS, APPROVED BY THE BOARD OF SUPERVISORS, FOR THE CONDUCT OF THEIR BUSINESS (1:38:43)** - Discussion ensued on the reasons for having bylaws including generic ones like those that were adopted by the Committee during its 2004 session. The former Internal Auditor had recommended that the committees/commissions/boards have bylaws. City Manager Ritter pointed out that the requirement would mandate that even committees/commissions having a singular purpose will have to adopt bylaws. Discussion indicated that the question is whether the requirement should be in the Board's enabling legislation or in the Charter. Board comments indicated that the current committees/commissions/boards should be analyzed to determine if they have bylaws or if there is a need for them to have bylaws. Supervisor Livermore suggested that they also have a vision statement that includes a purpose and a preamble of intent. Supervisor Staub cautioned the Board about mandating bylaws as it makes the members responsible for knowing the bylaws and how they are applied. Violation of the bylaws will place the member(s) in violation of their appointments. He preferred to have the requirement included in the enabling resolution or in a policy statement. The committees/commissions with bylaws should keep them. Mayor Teixeira opposed inclusion of the proposal in the Charter and used the former Capital Project Advisory Committee to illustrate his position. Some committees are very small. Others are ad hoc. The requirement should be addressed on a committee by committee basis. He questioned the reasons the Charter Committee felt it was necessary to have bylaws when it had operated for years without them. The Committee only meets every two years. Chairperson DePauw explained that it provides continuity, guidelines, and direction for the members. She felt that the Committee was willing to

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accept the resolution concept. Mayor Teixeira felt that bylaws may work for some committees but not all committees. Charter Committee Members' comments indicated that there are only 10 items in its by-laws. It is a very simple, generic document. Justification for the Committee's need of the by-laws was explained. Supervisor Aldean reiterated that the proposal had been one of the former Internal Auditor's recommendations. It provides the committees/commissions with direction and frames their work. It prevents them from deviating from that framework. She supported the resolution concept. Chairperson DePauw agreed that it could be a City Manager project. Supervisor Aldean moved to direct the City staff, specifically, City Manager Linda Ritter, to prepare or have prepared bylaws for each of the standing committees to give them some framework and direction. Following a request for an amendment, Supervisor Aldean amended her motion to include standing boards, committees, and commissions. Supervisor Williamson seconded the motion. Motion carried 5-0.

**10. CITY MANAGER - Linda Ritter - ACTION TO ADOPT A RECOMMENDATION FROM THE CHARTER REVIEW COMMITTEE TO RECOMMEND TO THE NEVADA STATE LEGISLATURE THAT THEY AMEND CARSON CITY CHARTER SECTION 2.275, TO GRANT TO THE BOARD OF SUPERVISORS THOSE AUTHORITIES RELATED TO WATER DISTRICTS AS SET FORTH IN NEVADA STATE LAW (1:51:20)** - Discussion indicated that the changes suggested by the Committee had been included in the version presented to the Board. Additional comments were solicited but none were given. Chairperson DePauw explained her concern about the City's current ability to regulate the days when irrigation is allowed and other portions of the Statute. Due to this ability, she felt that it may have been possible to implement the Statutes without having to amend the Charter. Mayor Teixeira explained that inclusion in the Charter will allow the City to work in public-private partnerships and it provides additional flexibility in the area of reuse which has not been done before. Chairperson DePauw disclosed her discussion with Dorothy Timian-Palmer who purportedly had indicated that she supported the proposal as it benefits both the public and private sectors. Supervisor Aldean pointed out that by having the ability in the City's Charter, the City's position will be strengthened if the Legislature ever revises the enabling Statutes. Additional comments were solicited but none were given. Supervisor Williamson moved to adopt a recommendation from the Charter Review Committee to recommend to the Nevada State Legislature that they amend Carson City Charter Section 2.275 to grant to the Board of Supervisors those authorities as outlined related to water districts as set forth in Nevada State Law. Supervisor Livermore seconded the motion. Motion carried 5-0.

OTHER MATTERS (1:58:18) - Mayor Teixeira indicated that the Committee does an excellent job and serves the community well. There must be something he could do to get them back together. He also felt that there could be a problem with the elected officials' proposal. Mr. Glover concurred. Mayor Teixeira indicated that it needed to be adopted and supported as part of the City's legislative agenda. It will take some selling. Discussion with Mr. Glover indicated that it may have to go through Senate Governmental Affairs and the Assembly Governmental Affairs. Mayor Teixeira again complimented the Committee on its service to the community. Chairperson DePauw thanked the Board for approving their recommendations. She acknowledged the lack of knowledge regarding the reception that the Legislature will give the recommendations. She also thanked the City staff and the other volunteers for their service. She felt that the bylaws had helped them perform their duties in an efficient and smooth manner. Mayor Teixeira noted that a previous Charter Committee had given the Mayor a raise which was approved by the Board, however, he had lobbied against it at the Legislature which killed the proposal. He, again, thanked the Committee for its time, efforts, and serving the community. No formal action was taken on any of these items.

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**11. ACTION TO ADJOURN (2:02:03)** - Member Lincoln moved to adjourn. Member Wallace seconded the motion. Motion carried 5-0. Chairperson DePauw adjourned the Carson City Charter Review Committee at 2:03 p.m.

Supervisor Staub moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the Carson City Board of Supervisors at 2:04 p.m.

The Minutes of the July 20, 2006, Carson City Board of Supervisors session

ARE SO APPROVED ON August 17, 2006.

/s/  
\_\_\_\_\_  
Marv Teixeira, Mayor

ATTEST:

/s/  
\_\_\_\_\_  
Alan Glover, Clerk-Recorder