

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the April 13, 2016 Meeting

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A regular meeting of the Carson City Charter Review Committee was scheduled for 10:00 a.m. on Wednesday, April 13, 2016 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Bruce Robertson
Vice Chairperson Michael Matuska
Member Kimberly Fiegehen
Member Larry Messina
Member Keith Shaffer
Member Ben Steele
Member Judy Welch

STAFF: Nick Marano, City Manager
Jason Woodbury, District Attorney
Kathleen King, Chief Deputy Clerk

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Recording Secretaries Division of the Carson City Clerk's Office, during regular business hours.

1 - 2. CALL TO ORDER AND ROLL CALL (10:00:54) - Chairperson Robertson called the meeting to order at 10:00 a.m. Ms. King called the roll; a quorum was present.

3. PUBLIC COMMENT (10:01:18) - Chairperson Robertson entertained public comment; however, none was forthcoming.

4. POSSIBLE ACTION ON APPROVAL OF MINUTES - February 29, 2016 (10:01:58) - Chairperson Robertson entertained suggested revisions to the minutes and, when none were forthcoming, a motion. **Member Shaffer moved to approve the minutes. The motion was seconded and carried unanimously.**

5. POSSIBLE ACTION ON ADOPTION OF AGENDA

6. AGENDA ITEMS:

6(A) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING A MORE TRANSPARENT WAY OF DETERMINING IF THERE IS A CONFLICT OF INTEREST FOR AN ITEM COMING BEFORE THE BOARD OF SUPERVISORS (10:02:22) - Chairperson Robertson introduced this item. Mr. Woodbury reviewed the District Attorney's analysis of this item, as outlined in an April 11, 2016 memo which had been distributed as late material. Extensive discussion followed, and Vice Chairperson Matuska noted that Mr. Knighton, the person who had submitted the item, was not present in the meeting room.

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Chairperson Robertson entertained public comment and, when none was forthcoming, consensus of the committee was that no formal action was necessary.

6(B) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 7.010 OF THE CHARTER TO ADD THE LANGUAGE - PUBLISH AN ANNUAL REPORT INDICATING COMPLIANCE WITH THE PROVISIONS OF SECTION 7.010, DETAILING EACH LINE ITEM OF PUBLIC DEBT, NO LESS THAN 30 DAYS PRIOR TO APPROVAL OF EACH FISCAL YEAR BUDGET (10:07:42) - Chairperson Robertson introduced this item, noting that it had been submitted by mayoral candidate Chris Carver. The committee members discussed the recommendation and, in response to a question, Chief Financial Officer Nancy Paulson advised that each line of the public debt is included in the budget document each year. The tentative budget is due to be submitted to the State Department of Taxation by April 15th of each year, and the final budget by June 1st of each year. Member Fiegehen expressed the opinion that “the City is already in compliance ... because there's actually four independent bodies that verify this. The Department of Taxation, if you go to their website, the report's available right on their website. It's also reported by the auditor in the CAFR, and local [Debt Management Commission], and ... the fourth would be bond counsel.” Ms. Paulson advised that the City is required to prepare and submit, to the Department of Taxation, an annual debt management policy by August 1st of each year. Additional discussion took place, during which Ms. Paulson and Mr. Woodbury responded to questions of clarification.

Chairperson Robertson entertained additional committee member comments and, when none were forthcoming, public comments. When no public comments were forthcoming, Chairperson Robertson entertained a motion. **Member Steele moved to reject the request. Member Fiegehen seconded the motion.** Following additional discussion, consensus of the committee was to take no formal action.

6(C) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.330 OF THE CHARTER TO ADD THE LANGUAGE - THE BOARD WILL ESTABLISH AN ANNUAL PERFORMANCE CRITERIA FOR THE MANAGER TO BE INCORPORATED WITH HIS / HER EMPLOYMENT CONTRACT. THE BOARD SHALL, IN CONCERT WITH THE MANAGER, ESTABLISH ANNUAL PERFORMANCE CRITERIA FOR ALL NON-ELECTED DEPARTMENT HEADS (10:15:49) - Chairperson Robertson introduced this item, noting that it had been submitted by mayoral candidate Chris Carver. Chairperson Robertson entertained discussion, and Member Messina advised that the City Manager's contract includes provisions for an annual performance review with corresponding criteria. Member Messina expressed uncertainty as to “what this would accomplish beyond what we already do.” Mr. Marano acknowledged the accuracy of the statements, and reviewed the method by which the department manager performance criteria are established. Discussion followed, and Member Shaffer suggested “this is another one of those requests where they're trying to put a policy or a procedure into our Charter. And I think we have to be careful doing those kinds of things.”

Chairperson Robertson entertained additional committee member comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. Following discussion, during which Mr. Woodbury responded to questions of clarification, Chairperson

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Robertson noted that Mr. Carver was not present in the meeting room. Chairperson Robertson entertained a motion to reject the proposed recommendation. **Member Shaffer so moved.** Following additional discussion, **Member Steele seconded the motion.** Chairperson Robertson entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [7 - 0]
MOVER:	Member Keith Shaffer
SECOND:	Member Ben Steele
AYES:	Members Shaffer, Steele, Fiegehen, Messina, Welch, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

In response to a question, Chairperson Robertson advised that persons submitting items for consideration by the committee are typically present at the meetings. In response to a question, Mr. Marano advised that all persons which had submitted items for consideration were notified of the subject meeting. “The only one who responded affirmatively was Mr. Knighton ...,” and he advised he was unable to attend the meeting. “Neither Supervisor Shirk nor Mr. Carver responded but they were all notified about the meeting today and that their item was going to be looked at by this committee.”

6(D) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING THE TERM “IN THE INTEREST OF THE GENERAL PUBLIC,” TO BE DEFINED BY GEOGRAPHY, DEMOGRAPHY, OR SOME QUANTIFIABLE TERM (10:25:24) - Chairperson Robertson introduced this item, and expressed uncertainty as to the intent of the proposed recommendation. Discussion ensued, and Member Shaffer pointed out that the incorporated boundaries of Carson City are defined in the “very beginning of our Charter.” Member Shaffer expressed the opinion “that's what our Charter relates to. So, in the interest of the general public, it is in that geographical area and ... it's already defined.” Member Welch agreed, and pointed out that “the Charter is inclusive of everybody's interests as a general good for the population. ... if you start dividing it, then you actually become almost discriminatory to certain areas ... and to segments of the community.”

Chairperson Robertson entertained public comment and, when none was forthcoming, a motion. **Member Shaffer moved to not recommend to the Board of Supervisors an amendment to the Charter regarding the term “in the interest of the general public,” to be defined by geography, demography, or some quantifiable term. Member Welch seconded the motion.** Chairperson Robertson entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [7 - 0]
MOVER:	Member Keith Shaffer
SECOND:	Member Judy Welch
AYES:	Members Shaffer, Welch, Fiegehen, Messina, Steele, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

6(E) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.180 OF THE CHARTER TO REVISE THE LANGUAGE REGARDING A “POUND KEEPER,” TO REFLECT THAT THE BOARD MAY CONTRACT OR APPOINT AN ANIMAL SERVICES OFFICER (10:27:52) - Chairperson Robertson introduced this item, noting that it had been submitted by mayoral candidate Chris Carver. Member Steele expressed uncertainty as to the purpose of this item “because I thought we had a pound and I thought we had it staffed and we have supervision there and we have solved the issues ... of that one dog being terminated early.” In response to a question, Mr. Marano advised that the Nevada Humane Society is currently contracted to provide animal control services for the City. He expressed the opinion “this would include ... the pound keeper. The former Chief Deputy District Attorney, at the time that we brought the Humane Society in, ... September or October 2014, did an opinion on this exact claim ... the research that [the Chief Deputy District Attorney] conducted led him to believe that we were able to do it in accordance with NRS and the existing Charter.”

Following discussion, Chairperson Robertson entertained public comment. When no public comment was forthcoming, he entertained a motion. **Member Welch moved to not recommend to the Board of Supervisors that we change the language regarding the pound keeper. Member Messina seconded the motion.** Chairperson Robertson called for a vote on the pending motion.

RESULT:	Approved [7 - 0]
MOVER:	Member Judy Welch
SECOND:	Member Larry Messina
AYES:	Members Welch, Messina, Fiegehen, Shaffer, Steele, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

6(F) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO SECTION 2.320 OF THE CHARTER TO REMOVE THE SECTION WHEREIN ADVISORY BOARDS MAY BE COMPRISED OF ELECTED OFFICIALS (10:31:22) - Chairperson Robertson introduced this item, noting the District Attorney's analysis, as outlined in the April 11, 2016 memo which was distributed as late material. Mr. Woodbury reviewed the analysis. Member Messina expressed the opinion that “there's a lot of value to an advisory board to have a member of the Board of Supervisors on that board to give that perspective. ... it's valuable to the Board of Supervisors to

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have had one member on an advisory board to give more of a feeling on the tone of the meeting and whatever they're bringing." Member Steele agreed, and discussion followed.

Chairperson Robertson entertained public comment and, when none was forthcoming, a motion. **Member Messina moved to reject the proposed recommendation. Member Welch seconded the motion.** Chairperson Robertson called for a vote on the pending motion.

RESULT:	Approved [7 - 0]
MOVER:	Member Larry Messina
SECOND:	Member Judy Welch
AYES:	Members Messina, Welch, Fiegehen, Shaffer, Steele, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

6(G) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING CHANGING THE OVERSIGHT OF THE CHIEF OF ALTERNATIVE SENTENCING TO THE COURTS / JUDGES (10:34:29) - Chairperson Robertson introduced this item, noting that it had been submitted by Supervisor Jim Shirk. Mr. Woodbury reviewed the District Attorney's analysis, as outlined in the April 11, 2016 memo. Member Messina noted that Supervisor Shirk was not present in the meeting room, and expressed uncertainty as to the purpose of this item.

Chairperson Robertson entertained additional committee member comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Member Fiegehen moved to reject the proposed recommendation. Member Steele seconded the motion.** Chairperson Robertson called for a vote on the pending motion.

RESULT:	Approved [7 - 0]
MOVER:	Member Kimberly Fiegehen
SECOND:	Member Ben Steele
AYES:	Members Fiegehen, Steele, Messina, Shaffer, Welch, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

6(H) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING THE APPOINTMENT OF MEMBERS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION REVIEW WORKGROUP (10:38:14) - Chairperson Robertson introduced this item, noting that it had been submitted by Supervisor Jim Shirk. Chairperson Robertson expressed uncertainty as to the purpose of this item, and discussion followed. Mr. Woodbury and Mr. Marano responded to questions of clarification, and additional discussion ensued. Member Shaffer expressed the opinion that the proposed recommendation

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“is way out of the purview of a Charter.” Member Welch agreed, and suggested “it does just seem to add another layer of bureaucracy ... that's already being done ...”

Chairperson Robertson entertained additional committee member comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Member Shaffer moved to reject the proposed recommendation regarding appointment of members to the Community Development Block Grant Application Review Workgroup. Member Welch seconded the motion.** Chairperson Robertson called for a vote on the pending motion.

RESULT:	Approved [7 - 0]
MOVER:	Member Keith Shaffer
SECOND:	Member Judy Welch
AYES:	Members Shaffer, Welch, Fiegehen, Messina, Steele, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

6(I) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN AMENDMENT TO THE CHARTER REGARDING IMPANELING A GRAND JURY (10:44:04) - Chairperson Robertson introduced this item, noting it had been submitted by Supervisor Jim Shirk. Mr. Woodbury reviewed the District Attorney's analysis, as outlined in the April 11, 2016 memo. Chairperson Robertson entertained committee member and public comments and, when none were forthcoming, a motion. **Member Welch moved to not recommend the proposed amendment. Member Steele seconded the motion.** Chairperson Robertson called for a vote on the pending motion.

RESULT:	Approved [7 - 0]
MOVER:	Member Judy Welch
SECOND:	Member Ben Steele
AYES:	Members Welch, Steele, Fiegehen, Messina, Shaffer, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

6(J) DISCUSSION OF NEW AGENDA ITEMS AND OF FUTURE MEETING DATES, AND POSSIBLE ACTION TO PROVIDE DIRECTION TO STAFF (10:45:33) - Chairperson Robertson introduced this item, and Mr. Marano advised that the Sierra Room would not be available for the previously selected June meeting date. He advised of the requirement to schedule a joint meeting with the Board of Supervisors, and suggested a date in June. He pointed out that all of the agenda items, to date, have been reviewed and acted upon by the committee. He acknowledged the possibility of additional items being submitted prior to the next scheduled meeting. Extensive discussion ensued, and Chairperson Robertson entertained a motion. **Member Steele moved to cancel the May 4th meeting and the June 14th meeting, and meet with the Board of Supervisors on June 16th. Member Messina seconded the motion.** Chairperson Robertson called for a vote on the pending motion.

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RESULT:	Approved [7 - 0]
MOVER:	Member Ben Steele
SECOND:	Member Larry Messina
AYES:	Members Steele, Messina, Fiegehen, Shaffer, Welch, Vice Chair Matuska, Chair Robertson
NAYS:	None
ABSENT:	None
ABSTAIN:	None

In response to a question, Mr. Woodbury advised of no requirement for the committee to meet a certain number of times. Chairperson Robertson acknowledged that any new agenda items would be scheduled for the May 26th committee meeting.

7. PUBLIC COMMENT

8. ACTION TO ADJOURN (10:53:23) - Chairperson Robertson adjourned the meeting at 10:53 a.m.

The Minutes of the April 13, 2016 Carson City Charter Review Committee meeting are respectfully submitted this 17th day of May, 2016.

SUSAN MERRIWETHER, Clerk - Recorder

By: _____
Kathleen M. King, Chief Deputy Clerk