

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 16, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Andrew Burnham	Public Works Director
	Daren Winkelman	Health Director
	Larry Werner	City Engineer
	Melanie Bruketta	Chief Deputy District Attorney
	Cheryl Adams	Purchasing and Contracts Manager
	Ken Arnold	Public Works Operations Chief of Special Projects
	Liz Teixeira	Administrative Assistant
	Dustin Boothe	Epidemiologist/Disease Investigator
	Kevin McCoy	Senior Compliance Officer
	Kathy Wolfe	Administrator H&H Service Officer
	Katherine McLaughlin	Recording Secretary
	Heidi Eskew-Herrmann	Planning Technician

(BOS 11/10/06 Recording 8:28:35)

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. A quorum of the Board was present although Supervisor Williamson was absent. Retired Rev. Dick Campbell of the Presbyterian Church gave the Invocation.

PUBLIC COMMENTS (8:30:22) - Ed Campbell thanked the Board for rejecting the night time lighting ordinance. He hoped that the Board will also reject it when reconsidered. He felt that a good ordinance is already in place, however, it needs to be enforced. He explained his previous requests for a listing of ordinances which are not currently being enforced. He has not yet received this listing. He urged the Board to "follow the law". Additional public comments were solicited but none were given.

Dwight Millard explained his need to make his statements during the public comment period on nonagenized

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 2

items as he must leave town prior to the discussion. He indicated that there is a lot of merit in the proposed ordinance, however, additional time is needed for “their” review. He asked that the item be postponed for two weeks. Mayor Teixeira explained that the proposed ordinance will be heard on first reading today. The second reading will occur in two weeks. Mr. Millard’s comments can be made during that period. Discussion indicated that changes can be made to the ordinance during that period. Additional public comments were solicited.

Pete Bachstadt indicated a desire to make comments on the ordinance. Mayor Teixeira explained that as it is an agenized item, discussion could not occur at this time. Mr. Bachstadt indicated that he will be present during the discussion of the item. Additional public comments were solicited but none were given. No formal action was taken or required on any of the items.

1. ACTION ON APPROVAL OF MINUTES - 10-19-06 (8:33:31) - Supervisor Aldean corrected the spelling of “Karl” Neathammer’s name on Page 2 of the October 19, 2006, Minutes. Supervisor Aldean then moved to approve the Minutes as corrected. Mayor Teixeira seconded the motion. Motion carried 4-0.

2. CHANGES TO THE AGENDA (8:34:00) - Public Works Director Andrew Burnham advised that Item 6, the sewer easement condemnation process, was withdrawn and Item 7B, the proposed billboard amendments, was pulled. Discussion indicated that Messrs. Millard and Bachstadt were present on the social ordinance. No formal action was taken.

3. PRESENTATION - PRESENTATION OF A PROCLAMATION RECOGNIZING NATIONAL METHAMPHETAMINE AWARENESS DAY, NOVEMBER 30, 2006 (8:37:42) - Mayor Teixeira described the Nevada Association of Counties recognition of the City’s coalition at its annual seminar. He introduced the members of the City’s coalition who were present. He noted that there are between 70 and 80 individuals who work monthly on its programs. He complimented them on their efforts. He then read the proclamation into the record. (A copy is in the file.) No formal action was required or taken on the proclamation.

4. CONSENT AGENDA (8:37:42)

4-1. PUBLIC WORKS ENGINEERING

A. DISCUSSION AND ACTION TO APPROVE A GRANT OF EASEMENT FOR OVERHEAD ELECTRICAL DISTRIBUTION AND COMMUNICATION TO SIERRA PACIFIC POWER COMPANY FOR THE RELOCATION OF A POWER POLE IN THE AREA OF THE URBAN FISHING POND AT CARSON CITY FAIRGROUNDS/FUJI PARK AND TO AUTHORIZE THE MAYOR TO SIGN THE GRANT OF EASEMENT DOCUMENTS

B. ACTION TO APPROVE TWO AGREEMENTS BETWEEN STATE OF NEVADA DIVISION OF STATE LANDS, SOUTHWEST GAS CORPORATION, AND CARSON CITY WHEREBY THE DIVISION OF STATE LANDS AGREES TO (1) GRANT A PERMANENT EASEMENT UPON, OVER AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR’S PARCEL NUMBER 10-041-55 (NEVADA STATE PRISON PARCEL) FOR THE PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND GAS FACI-

LITIES AND (2) GRANT TEMPORARY CONSTRUCTION EASEMENTS UPON, OVER AND ACROSS SAID REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTION OF THE GAS FACILITIES, AND SOUTHWEST GAS AGREES TO CERTAIN CONDITIONS TO OCCUPY CARSON CITY'S EXISTING EASEMENT AND RIGHT-OF-WAY

4-2. PUBLIC WORKS - CONTRACTS - ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION ON THE "CARSON CITY FREEWAY UTILITY RELOCATION, PHASE 2A -- COLORADO STREET, SOUTH SALIMAN ROAD, AND FAIRVIEW DRIVE/LINEAR DITCH CONSTRUCTION ENGINEERING SERVICES", CONTRACT NO. 2006-075, AND TO AUTHORIZE PUBLIC WORKS TO ISSUE PAYMENTS TO THE LOUIS BERGER GROUP, INC., LOCATED AT 500 AMIGO COURT, SUITE 100, LAS VEGAS, NEVADA 89119, FOR A CONTRACT AMOUNT NOT TO EXCEED \$39,220.10 AND A CONTINGENCY AMOUNT OF \$3,922.00 FROM THE WATER AND SEWER NDOT BYPASS FUNDS AS PROVIDED FOR IN FY 2006/2007

4-3. PUBLIC WORKS - OPERATIONS

A. ACTION TO ACCEPT A GRANT FROM THE CARSON WATER SUBCONSERVANCY DISTRICT (CWSD) IN THE AMOUNT OF \$50,000 TO ASSIST CARSON CITY WITH THE DEVELOPMENT AND IMPLEMENTATION OF AN AQUIFER STORAGE AND RECOVERY (ASR) PROGRAM

B. ACTION TO ACCEPT A GRANT FROM THE CARSON WATER SUBCONSERVANCY DISTRICT (CWSD) IN THE AMOUNT OF UP TO \$125,000 TO ASSIST CARSON CITY WITH THE RESTORATION OF SEVERAL DEBRIS FLOW CONTROL STRUCTURES THAT WERE IMPAIRED BY THE WATERFALL FIRE AND SUBSEQUENT FLOODING EVENTS

C. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CARSON CITY FIELD OFFICE (BLM) AND CARSON CITY, ALLOWING CARSON CITY ACCESS TO APPROXIMATELY 155 ACRES OF PUBLIC LANDS ADJACENT TO THE LANDFILL FOR THE PROCESSING AND STORAGE OF BIOMASS

4-4. HEALTH AND HUMAN SERVICES - ACTION TO APPROVE A GRANT AWARD IN THE AMOUNT OF \$147,500 FROM THE NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH DIVISION, FOR FUNDS TO SUPPORT THE WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM - None of the items were pulled for discussion. Supervisor Livermore moved to approve the Consent Agenda consisting of seven items, two items from Public Works - Engineering, one item from Public Works - Contracts, three items from Public Works - Operations, and one item from Health and Human Services as presented. Supervisor Staub seconded the motion. Motion carried 4-0.

5. PUBLIC WORKS - Director Andrew Burnham - ACTION TO APPROVE OF AN INTERLOCAL AGREEMENT WITH NDOT FOR THE CARSON CITY FREEWAY PROJECT TO IDENTIFY RESPONSIBILITIES ASSOCIATED WITH THE PHASE 2A IMPROVEMENTS, RIGHT-OF-WAY, UTILITY RELOCATION AND MAINTENANCE DUE TO CONSTRUCTION OF PHASE 2A INCLUDING PAYMENT OF CITY REQUESTED COSTS WHICH INCLUDES, AMONG OTHERS, PORTIONS OF FAIRVIEW DRIVE IMPROVEMENTS FOR A TOTAL OF \$750,000 OF WHICH \$582,253 IS PAYMENT TO NDOT AND THE BALANCE IS IN-KIND

CONTRIBUTION; COSTS TO BE FUNDED FROM RTC, STREETS, AND UTILITY ACCOUNTS (8:42:45) - Mr. Burnham's introduction explained the minor changes that had been made to the contract. Revised maps were distributed. (Copies are in the file.) RTC approved the agreement at its last meeting. Discussion indicated that the funding numbers had been refined. NDOT Project Manager Jim Gallegos explained his role in processing the agreement and NDOT's support of it. He advised that the project will go out to bid before the end of the year. Bids are due on December 14. He also indicated that the document will be forwarded to the Feds for their approval. Discussion indicated that there is "lots of interest" in the project. This interest includes local companies. It is hoped that competitive bids will be received. Mayor Teixeira expressed his desire to see the project under construction before the next Legislature convenes. Mr. Gallegos estimated mid-April as the date when construction will commence. Additional comments were solicited but none were given. Supervisor Staub moved to approve an Interlocal Agreement with NDOT for the Carson City Freeway Project to identify responsibilities associated with the Phase 2A improvements, right-of-way, utility relocation, and maintenance due to construction of Phase 2A including payment of City requested costs which includes, among others, portions of Fairview Drive improvements for a total of \$750,000 of which \$582,253 is payment to NDOT and the balance is in-kind contributions; costs to be funded from the RTC, Streets, and Utility accounts, with the amendments as stated on the record today, and the fiscal impact of \$750,000. Supervisor Aldean seconded the motion. Motion carried 4-0.

6. PUBLIC WORKS - ENGINEERING - ACTION ON A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN FOR AN EASEMENT OF APPROXIMATELY 372 SQUARE FEET OF LAND, WHICH IS A PORTION OF APN 09-191-11, AND TO AN EASEMENT OF APPROXIMATELY 657 SQUARE FEET OF LAND WHICH IS A PORTION OF APN 09-287-02, MARIA I. DUFUR, JOE L. DUFUR, ALBERT DUFUR, AND MICHAEL DUFUR, FOR THE CONSTRUCTION OF A SANITARY SEWER LINE FROM THE EAST SIDE OF SOUTH CARSON STREET IN THE ABANDONED PATRICK STREET ALIGNMENT TO THE WEST SIDE OF SOUTH CARSON STREET AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING (8:34:00) (8:47:35) - Pulled.

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

A. ACTION TO CONSIDER AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM MANHARD CONSULTING, LTD., (PROPERTY OWNER: REYNEN AND BARDIS (CARSON), LLC) TO ABANDON APPROXIMATELY 50 FEET BY 900 FEET OF RACE TRACK ROAD FROM THE WEST BOUNDARY OF CABELLARIOS ACRES II TO THE WEST LINE OF SE 1/4 OF NE 1/4 SECTIONS, ON PROPERTY ZONED SINGLE FAMILY 6000 (SF6), LOCATED AT 1200 RACE TRACK ROAD, APN 009-311-03, BASED ON SEVEN FINDINGS AND SUBJECT TO FIVE CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT AND TO AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT (FILE AB-06-163) (8:47:40) - Assistant Planner Heidi Eskew-Herrman - The Applicant was present. Supervisor Livermore

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 5

moved to approve an Abandonment of Public Right-of-Way application from Manhard Consulting, Limited, property owner: Reynen and Bardis, Carson, LLC, to abandon approximately 50 feet by 900 feet of Race Track Road from the west boundary of Cabellaros Acres II to the west line of southeast one-quarter of the northeast one-quarter sections on property zoned Single Family 6000, SF6, located at 1200 Race Track Road, APN 009-311-03, based on seven findings and subject to five conditions of approval contained in the staff report and to authorize the Mayor to sign the order of abandonment. Supervisor Aldean seconded the motion. Motion carried 4-0.

B. REPORT TO THE BOARD OF SUPERVISORS AND POSSIBLE ACTION TO DIRECT STAFF REGARDING POSSIBLE AMENDMENTS TO THE CARSON CITY MUNICIPAL CODE TITLE 18, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS RELATING TO COMMERCIAL SIGNS AND OFF-PREMISE SIGNS (BILLBOARDS) ON PRIVATE PROPERTY ALONG THE FREEWAY CORRIDOR, INCLUDING DISCUSSION REGARDING HEIGHT AND SIZE REGULATIONS, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA 06-102) (8:34:00) (8:51:35) - Pulled.

8. HEALTH AND HUMAN SERVICES -- Director Daren Winkelman - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CHAPTER 12.05 OF THE CARSON CITY MUNICIPAL CODE, SEWER CONNECTION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM GENERAL REQUIREMENTS, SECTION 12.05.020 CONNECTION TO MUNICIPAL SEWER SYSTEM REQUIRED, BY DELETING THE FOUR HUNDRED (400) FOOT CONNECTION STANDARD, CREATING A NEW CONNECTION STANDARD, EXPLAINING THE APPROVAL REQUIREMENTS TO ALTER, MOVE, EXTEND A SYSTEM, DEFINING A FAILED SYSTEM AND OTHER MATTERS PROPERLY RELATED THERETO (8:51:46) - Discussion ensued between Supervisor Aldean and Mr. Winkelman regarding adding the term: "immediately pertinent to the establishment" on Page 2 Item c. Justification for leaving the ordinance as written was indicated. A change was not made. Additional comments were solicited but none were given. Supervisor Aldean moved to introduce on first reading Bill No. 130, AN ORDINANCE AMENDING CHAPTER 12.05 OF THE CARSON CITY MUNICIPAL CODE, SEWER CONNECTION AND INDIVIDUAL SEWAGE DISPOSAL SYSTEM GENERAL REQUIREMENTS, SECTION 12.05.020 CONNECTION TO MUNICIPAL SEWER SYSTEM REQUIRED, BY DELETING THE FOUR HUNDRED FOOT CONNECTION STANDARD, CREATING A NEW CONNECTION STANDARD, EXPLAINING THE APPROVAL REQUIREMENTS TO ALTER, MOVE, EXTEND A SYSTEM, DEFINING A FAILED SYSTEM AND OTHER MATTERS PROPERLY RELATED THERETO; and the fiscal impact is not applicable. Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Teixeira thanked Mr. Borst for bringing the matter to the City's attention.

RECESS: A recess was declared at 8:56 a.m. A quorum of the Board was present when Mayor Teixeira reconvened the meeting at 9:06 a.m. Supervisor Williamson was absent as indicated.

9. DISTRICT ATTORNEY - Noel Waters - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 8 (PUBLIC PEACE, SAFETY AND MORALS) BY ADDING

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 6

A NEW CHAPTER 8.10, SOCIAL HOST LIABILITY ORDINANCE, TO THE CARSON CITY MUNICIPAL CODE, AND OTHER MATTERS PROPERLY RELATING THERETO (9:06:31) - Chief of Alternative Sentencing Rory Planeta, Kathy Bartosz, Pete Bachstadt, Joe Ivan, Chief Deputy Sheriff Steve Schutte, Bally's Real Estate Management Owner Mike Beach, Steve Lincoln, Government Affairs Director for the Sierra Nevada Association of Realtors Sarah Ellis, Chief Deputy District Attorney Melanie Bruketta, Recording Secretary Katherine McLaughlin, George Anastassatos, Senior Compliance Officer Kevin McCoy - Mayor Teixeira explained that the ordinance had been in the works for some time. He indicated that the Coalition appreciated Mr. Waters' efforts on the ordinance and time. He also explained that Mr. Waters is retiring. Comments indicated that he had served 21 years as the District Attorney and had been with the City for 25 years. Although he may not be the longest serving District Attorney, it was felt that he may be one of longest serving in modern times.

Mr. Waters thanked him for the comments, for his and the community's assistance with the coalition, and for the coalition's efforts to address the meth problem in the community. The purpose of the ordinance was explained. The ordinance was patterned after ordinances in other communities. A list of communities whose ordinances had been reviewed was provided. The Coalition's momentum for the ordinance was created by the Center for the Study of Law Enforcement Policy, which he described. The ordinance was adapted to comply with Nevada Statutes. Reno may consider a similar ordinance after the first of the year. Other counties were listed which may consider similar ordinances thereafter. Mr. Waters then highlighted the ordinance. The purpose of the ordinance was defined as an effort to address problems created by detrimental individuals and those creating a disturbance in their neighborhoods. Statutes were cited justifying the mandate that the property owner police and supervise his/her property. Mr. Waters also recognized individuals, including Kathy Bartosz, who had assisted him in drafting the ordinance. Discussion between Mr. Waters and the Board indicated that any costs incurred by the City as a result of action taken under the ordinance may be placed as a lien on the property if the property owner refuses/fails to pay the costs. The process enabling placement of the lien is in NRS 244.3603, abatement of nuisances. (A copy was distributed to the Board and Clerk. A copy is in the file.) It mandates a 90 day timeframe to complete the declaration of a nuisance and for filing the lien. Mr. Waters was uncertain whether this Statute should be used as the proposed ordinance has a 12-month timeframe for offenses, however, he felt certain that under the civil action process it is possible to place the lien. He also believed that it may be possible to modify the mandates in the Statute. Supervisor Aldean explained TRPA's strict liability issues and its enforcement discretion. She felt that the proposed ordinance places the liability on a juvenile if the parent(s) is/are unaware of the activity. Mr. Waters explained that the intent is to place the onus on the property owner. The officer's discretion in citing the property and the property owner was noted. By posting a warning on the first offense, the property owner is given an opportunity to address the situation. On the officer's second visit, a citation could be issued and fines/costs imposed. He agreed that unsupervised parties are a problem in the community. Parents should be responsible for their failure to act on such occasions. The community should not bare the costs for such failures. He urged the Board not to impose knowledge or awareness on the owner. Justification for not including these terms in the ordinance was provided. The Center has drafted lease agreements which the property owner(s) can obtain which clearly defines the property owner and tenant roles and responsibilities. Discussion indicated that the property owners, property managers, and tenants are all considered responsible and liable. The agreement/ordinance does not consider cross suits or counter claims. The City costs and

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 7

community standards are considered a responsibility of all the people involved in the chain of management. The costs are imposed when a second incident occurs within a 12-month period. The ordinance includes a noticing process and fair notice provisions. The problems are the parental instances and the repetitive incidents of underage drinking. The efforts to address the problems through the use of laws regarding determining who provides the booze have proven to be ineffective. They only sanction the minor. The proposed concept is more meaningful as it goes after the property owner(s) where the incident occurs. Discussion explained that commercial establishments are not included in the targeted establishments as Business Licensing and Liquor Laws can address any problems encountered with them. The intent is to address problems encountered at residential properties and premises which can be rented. Apartments are included in the definition. Property owners retain property management companies to handle the rentals. If the same property owner has four or more rentals, a business license is required. If an incident occurs, efforts will be made to contact everyone involved with the property. This includes the property owner according to the Assessor's tax records and the property manager on the business license. The check of ownership will include Business License(s), tax records, and the water company's records. Everyone will be noticed. Discussion indicated that the "devil will be in the details" and noted a problem on Alloutte to indicate the need for the ordinance. Provision 41 of the NRS allows recovery of any medical costs incurred by public safety responders, including law enforcement and other emergency responders. Discussion indicated the eviction process which the property owner/manager can use. Nuisance tenants will find another location, Property management firms can track such individuals, require security deposits, and perform background checks. A question could be added to the application seeking information as to whether the individual has ever been evicted for creating a nuisance. Discretion provided to law enforcement was noted when handling a situation including nuisances created by a wedding party, parking for one night events, etc. Neighbors should also be cognizant of the fact it is an occasional event and not ongoing problem. The intent is to address chronic ongoing activities which may include underage drinking, drug sales, etc., that negatively impact the neighborhood. Mayor Teixeira explained that Sheriff Furlong is attending the Nevada Association of Counties Conference in Las Vegas and that Undersheriff Albertsen is present to answer questions. Mayor Teixeira also explained his response if he is fined as a result of a teenager's acts. He felt that the addresses where nuisances are occurring are known and that they require continuous attention from law enforcement. Someone needs to be responsible for such events. The landlord establishes the bar for the tenants. The proposed ordinance provides accountability and responsibility. It says, "Get your act together. Conduct business correctly. Be a good citizen of the Community." Public comments were solicited.

Chief Planeta complimented Mr. Waters and Ms. Bartosz on their efforts. He also disclosed that he is the Chair of the Law Enforcement Committee who support their efforts. Mayor Teixeira complimented him on his work in the community on the meth coalition.

Ms. Bartosz disclosed that she is a member of the methamphetamine coalition. She complimented Mayor Teixeira on his work on the coalition. She also felt that the City is losing a gem with District Attorney Noel Waters' retirement. Her support of the Center for Law Enforcement Policy was described. It is a resource whose material is provided free of charge. Changes can be made to its policies and procedures to fit the community. The Center will also provide advice on the impact of those changes. She believed that the proposed ordinance will provide a preventive tool for the betterment of the community. Similar ordinances

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 8

are used in other communities to control the tenants' activities. Landlords who originally opposed the concept are now supporting it. She had given the Board her business card containing the Center's number. She encouraged them to contact it for additional information. (A card was given to the Clerk.) Mayor Teixeira thanked her for her assistance on the ordinance. An educational presentation will be made to the landlords. Anyone wishing to participate in the process should contact them. The process is for the betterment of the community.

Mr. Bachstadt indicated support for the ordinance. He felt that none of the Board members are landlords. He had been one for 35 years. The ordinance sounded good to him, however, he wished to have input into it. His experience as a landlord indicated that there are both good and bad tenants and that they can be found at every economic level. He felt that the ordinance was a good idea, however, it pointed out the need for him to have additional tools including acceleration of the eviction process, access to more personal information, etc. Justification for this information was explained. Mayor Teixeira explained that the ordinance had been drafted with assistance from other members of the community and asked him to submit his comments in writing to the District Attorney's office. Supervisor Staub asked him to submit a copy to the Board members as well. Mr. Bachstadt agreed to do so.

Mr. Ivan felt that it is a good ordinance. He questioned the process that will be used to contact the property owner. He also felt that there is enough time between when the red tag is placed at the property and the eviction date for the tenant to generate additional citations/fines without the landlord's knowledge. At the second or additional incidents, if a law enforcement officer is hurt, those charges will also be assessed against the landlord. He felt that the current ordinance "hung the landlord". He acknowledged that the current Sheriff and his officers may use discretion, however, future Sheriff's and officers may not. Mayor Teixeira asked him to put his comments in writing so that answers can be provided.

Chief Schutte indicated that he represented Sheriff Furlong and thanked the Board for its considered for Sheriff Furlong. He explained that the main concern is the repetitive calls to the same location. He questioned who will be responsible for billing the individual(s). Discussion between Mayor Teixeira and Chief Schutte indicated that it should be a part-time position. Chief Schutte questioned responsibility for tracking the property owner and property managers. Mayor Teixeira asked him to talk to Mr. Waters and City Manager Ritter. The second reading of the ordinance could be delayed until these issues are resolved. Chief Schutte felt that it is a valid ordinance which will provide a needed tool. Supervisor Aldean pointed out that the sample notice is not included within the ordinance. Chief Schutte indicated that the current Sheriff and his Deputies will use discretion and good sense when enforcing the ordinance. The areas of concern are known. Mayor Teixeira espoused his belief that the Department will use good sense which cannot be legislated as it is impossible to define all incidents. Supervisor Aldean questioned whether the ordinance should include clauses regarding chronic complainers who are being retaliatory. Chief Schutte explained that it should be a chronic problem. He acknowledged that loud noise is a subjective problem. The ordinance will help address specific problems where repeated calls have been occurring. Common sense must be used with the chronic complainers and in determining if there is a chronic problem.

Mr. Beach advised that a significant portion of his business is the management of residential property. He

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 9

estimated that he currently handles a "little over 200" properties. He then explained his concern regarding Section II which he felt the Board had never notified him about during his 15 years in the business. Based on it, he felt that the opening statement of the ordinance does not apply to all real estate managers. He also indicated that, in general, he supported the ordinance. The process used by his firm to screen applicants was defined. His firm also makes periodic inspections of the property and cooperates with the Sheriff's Office and TRI-NET. They have no tolerance for drug usage and will evict under NRS 118 whenever necessary. He suggested that Section VII be amended to include direct notification to the property owner as well as posting of the property. Mayor Teixeira asked him to submit his comments in writing to Mr. Waters. Mr. Beach concurred. Mr. Beach felt that ten days may not be an adequate amount of time to notify the property owner even if the property is posted. He questioned the need to keep the posting on the property as it will stigmatize the property and could result in an inability to lease or trade the property. It could then become abandoned and derelict. He felt that if the problem is cured by eviction, it did not need to remain posted. Mayor Teixeira felt that the concern will be addressed. Mr. Beach felt that the country's penal code is based on accountability by an individual. The violator should be held responsible. He supported Section V as written, however, the discussion did not support it. He did not have any more tolerance of unruly behavior than that expressed by the Board. He urged the Board to keep the real estate managers involved in the process. He expressed an intent to participate in any workshops. He acknowledged that there are other communities watching and waiting to see what Carson City does. The final ordinance should be one which everyone can support. Mayor Teixeira thanked him for his comments and asked him to give Mr. Waters his written comments.

Mr. Lincoln indicated that he is a 30 year Carson City resident and a 19-year real estate agent. He applauded the efforts to curb underage drinking. His concerns, however, relate to personal property rights. The individuals responsible for the acts should be punished more than the property owners. The red tag will impact the adjacent property and create problems for investors. He also believed that the State Real Estate Division will have to research how disclosures regarding the "red tags" must be made.

Ms. Ellis questioned how notification will be given to property owners who do not have property managers and the threshold for qualifying an event. She agreed with the spirit of the ordinance. Her illustration of an individual renting a car and getting a speeding ticket supported her contention that the wrong person is being penalized. Mayor Teixeira explained the need for the landlord to be involved to halt illegal drug and underage drinking parties. Ms. Ellis felt that the City has laws which currently allow them to address these situations. Mayor Teixeira responded that there are property owners who are aware of their tenants repeated activities and fail to act. The ordinance provides a standard for responsibility. Ms. Ellis again indicated that they understand the intent, however, an example of domestic abuse was used to question whether the property will be red tagged and the property owner fined. Mayor Teixeira asked her to submit her comments in writing to Mr. Waters and send a copy to the Board. He also indicated that they do not wish to create a law which is unenforceable. Ms. Ellis asked for an audience with Mr. Waters and that the ordinance not be considered until after Mr. Waters indicates that it is ready.

Supervisor Staub expressed a desire to continue the matter and allow as much time as needed before reconsideration occurs. Mr. Waters should conduct as many workshops as are deemed necessary and bring

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 10

back a clean document for the Board to consider. The public will then have an opportunity to see and consider the revised document. Mayor Teixeira felt that the ordinance should be introduced on first reading and that tweaking could occur between readings. Second reading did not have to occur in two weeks. Discussion between Ms. Bruketta, Ms. McLaughlin, and Mayor Teixeira explained the ten-day Charter requirement for noticing ordinances for second reading and that the maximum period between first and second reading is 45 days. Failure to meet this timeframe starts the process over.

Mr. Anastassatos questioned the eviction process proposed by the ordinance. The current eviction processes and timeframes for nonpayment of rent and for other reasons were described. Mayor Teixeira suggested that he discuss his concerns with Ms. Ellis. He also felt that the discussions were attempting to address exceptions rather the rule. The ordinance must go forward. He asked Mr. Anastassatos to provide Mr. Waters with his telephone number and to meet with him before his term expires. Justification for having the ordinance adopted prior to expiration of Mr. Waters' term was indicated.

Mr. McCoy expressed the Division's willingness to support the ordinance as it currently does the public nuisance ordinances. He also pointed out that the appeals process is under the City's nuisance ordinances. He believed that it would be a smooth transition to his office. His support for the ordinance was indicated.

Mr. Waters thanked the speakers for their comments. He had received a few comments prior to the meeting. A first reading allows the public's concerns to be heard and addressed. The billing and notification procedures should be procedural in nature. He was willing to make it clearer in the ordinance. Ordinances in other communities have provided for the issuance of additional "red tags" if a tenant continues to have parties or create neighborhood nuisances on a daily basis. Other ordinances grant a grace period. The ordinance should not restrict the use of other enforcement actions to halt the activities including shutting down "the parties", arresting individuals, taking them to jail, etc. While he could support having a grace period, his sympathy for a property owner to allow the incidents to continue after proper notification is short lived. For that reason, the property owner should be made responsible for the costs incurred. Mayor Teixeira concurred.

Discussion ensued between Supervisor Staub and Mr. Waters regarding the amount of time required to conduct the meetings/workshops and make the revisions. Mr. Waters expressed an intent to work with District Attorney-Elect Neil Rombardo on the ordinance. Discussion also explained the ability to seize the residence if the property owner resides at the residence. In the case of rentals, the property can be seized if drug activities continue after notification to the property owner of an incident. The ordinance had proposed a taking of rentals after the second incident. Mr. Waters also noted that law enforcement is not involved with such takings. An educational program is necessary. It will make the property owners more conscientious about the individuals to whom they rent. Mr. Waters advised that HUD has the same restrictions in its rental agreements. Supervisor Livermore pointed out the problems experienced previously with the Alloutte location and indicated that the same problems are again occurring. Mayor Teixeira expressed his hope that

District Attorney-Elect Rombardo becomes actively involved in the process. Mr. Waters indicated an intent

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 16, 2006, Meeting
Page 11

to contact him. Both Mayor Teixeira and Mr. Waters were certain that he would participate as he had run for office on an anti-meth campaign.

Supervisor Staub moved to defer action on first reading of an ordinance amending Title 8, Public Peace, Safety and Morals by adding a new Chapter 8.10, Social Host Liability Ordinance, to the Carson City Municipal Code and request that this matter be returned to the Board by no later than 60 days from today. Supervisors Aldean and Livermore seconded the motion. Motion was voted and carried 4-0.

RECESS: A recess was declared at 10:27 a.m. A quorum of the Board was present when Mayor Teixeira reconvened the meeting at 10:33 a.m.

10. CITY MANAGER - ACTION TO APPOINT ONE MEMBER TO THE PARKS AND RECREATION COMMISSION FOR A FOUR YEAR TERM ENDING JANUARY 2010 (10:33:01)

- Management Assistant Rose Gardner - Mayor Teixeira apologized to Ms. Gardner and the Applicants for the Board's tardiness in conducting the interviews. He thanked each Applicant for applying. Interviews were conducted of Leandra Jones and Erik Johnson. Supervisors Staub and Livermore were polled to select the individual to be appointed. Discussion noted that the composition of the Commission had originally included a student, however, this requirement has been eliminated. Mr. Johnson then advised the Board that his commitments may make it difficult for him to obtain the Commission's agenda and supporting material in a timely manner. Supervisor Aldean and Mayor Teixeira were then polled. Supervisor Livermore moved to appoint Leandra Jones to the Parks and Recreation Commission to fulfill a four-year term to expire in January 2010. Supervisor Staub seconded the motion. Motion carried 4-0.

11. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (10:51:45)-
None.

B. STAFF COMMENTS AND STATUS REPORT - None.

12. ACTION TO ADJOURN (10:51:55) - Supervisors Aldean and Livermore moved to adjourn. Supervisor Staub seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 10:52 a.m.

The Minutes of the November 16, 2006, Carson City Board of Supervisor meeting

ATTEST:

ARE SO APPROVED ON January 4, 2007.

/s/
Alan Glover, Clerk-Recorder

/s/
Marv Teixeira, Mayor