

CARSON CITY CHARTER REVIEW COMMITTEE

Minutes of the April 17, 2012 Meeting

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A regular meeting of the Carson City Charter Review Committee was scheduled for 3:00 p.m. on Tuesday, April 17, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna DePauw
Vice Chairperson Bruce Robertson
Member Ronald Allen
Member Linda Barnett
Member Christine Fregulia
Member Rob Joiner
Member Stephen Lincoln
Member Chris MacKenzie
Member Larry Messina (via telephone conference call)

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Janet Busse, City Manager's Office Supervisor
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

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 Clerk's Office, during regular business hours.

1-2. CALL TO ORDER AND ROLL CALL (3:01:40) - Acting Chairperson Lincoln called the meeting to order at 3:01 p.m. Mr. Glover called the roll; a quorum was present. Member Messina was present by telephone conference call.

3. PUBLIC COMMENTS AND DISCUSSION (3:02:42) - Acting Chairperson Lincoln entertained public comment. Mayor Robert Crowell thanked the committee members for their valuable service to the community. He assured the committee members that he would seriously consider their recommendations as they are forwarded to the Board of Supervisors. As the City's constitutional document, he advised that proposed revisions to the charter should be considered in that context. "... if there are enabling provisions of our charter that are necessary in order to carry out the policy of the City, ... that's extremely important ... and something to consider presenting to the legislature." Matters which can be handled either through regulation or through ordinance that are already authorized or can be authorized by the Board of Supervisors should be addressed outside the charter / legislative process. Mayor Crowell reiterated his appreciation of the committee members' time and effort and wished them good luck.

(3:05:30) John Vettel expressed appreciation to the committee members for their service, and advised of having served as a past committee member. He requested the committee to consider a recommendation to the Board of Supervisors "that the elections in Carson City for the Board of Supervisors not be done at large but ... by individual wards." He expressed the opinion that the individuals elected as supervisors should be representing the interests of specific areas in the City. He expressed a further interest in "more and more people run[ning] for these positions and, right now, running through the entire City is a much greater expense in terms of time and dollars than it would be to have to focus on an individual ward." Mr. Vettel reiterated the request for the committee to consider a recommendation to change the method by which supervisors are elected from at-large to individual wards. He wished the committee great success.

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(3:07:34) Dennis Johnson, a candidate for the Board of Supervisors, requested the committee to keep in mind “there may be changes that have to be made. There may be changes that don’t have to be made. Our Constitution was drawn up to make it changeable but very difficult to be changed.” He requested the committee to carefully consider agenda items, and wished them well. Acting Chairperson Lincoln entertained additional public comment; however, none was forthcoming.

4. POSSIBLE ACTION TO ADOPT THE AGENDA (3:08:32) - Acting Chairperson Lincoln entertained modifications to the agenda and, when none were forthcoming, a motion to adopt the agenda. **Member Allen so moved. Member MacKenzie seconded the motion. Motion carried 9-0.**

5. INTRODUCTION OF CHARTER REVIEW COMMITTEE MEMBERS (3:08:52) - At Acting Chairperson Lincoln’s request, each of the committee members introduced themselves, provided background information on their appointments, and discussed their interest in serving.

6. POSSIBLE ACTION TO ELECT A COMMITTEE CHAIR AND VICE CHAIR (3:12:54) - Acting Chairperson Lincoln introduced this item, reviewed the agenda report, and entertained nominations for chair. Member Joiner nominated Donna DePauw as chair. In response to a question, Mr. Werner explained the process for electing a new chair in the event the appointing official does not continue in office. Acting Chairperson Lincoln entertained additional nominations and, when none were forthcoming, closed nominations for chair and entertained nominations for vice chair. Member MacKenzie nominated Bruce Robertson as vice chair. Acting Chairperson Lincoln entertained additional nominations and, when none were forthcoming, closed nominations for vice chair and entertained a motion. **Member Joiner moved to “include the two nominees.” Member Allen seconded the motion.** Acting Chairperson Lincoln entertained additional discussion; none was forthcoming. At Mr. Munn’s request, he entertained public comment. When none was forthcoming, he called for a vote on the pending motion. **Motion carried 9-0.**

7. REVIEW AND DISCUSSION OF THE NEVADA OPEN MEETING LAW (3:15:35) - Chairperson-elect DePauw introduced this item, and Mr. Werner reviewed the agenda report. Mr. Munn narrated a PowerPoint presentation of the Nevada Open Meeting Law, copies of which were distributed to the committee members and staff prior to the start of the meeting.

In response to a question, Mr. Munn discussed the various methods by which public testimony is accommodated in open meetings. In response to a further question, he suggested that the history of the City’s Charter can be reviewed through legislative actions and the City Clerk’s records. Mr. Werner suggested contacting Ms. Busse and / or reviewing the minutes, which are posted on the City’s website, and reviewing the meeting records which are available through the Clerk’s office.

Chairperson-elect DePauw expressed concern over a committee member appearing by telephone conference call. In response to a question, Mr. Munn advised that technology sufficient to accommodate the committee member’s attendance by telephone conference call makes it permissible. He further advised that participating in an open meeting by telephone conference call is not unusual. “It happens quite regularly ... because of ... busy schedules.” Mr. Munn acknowledged the difficulties, especially in consideration of “too many people on a phone,” and discussed various methods to accommodate such a circumstance relative to meeting notice.

Chairperson-elect DePauw clarified her concern in that “the public doesn’t have the same option as the member to be on a phone and communicate.” Mr. Munn explained that laws are written for the “larger ...

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circumstance. You can't write a law for every nuance that might occur. Sometimes the public who can't attend certainly are not as actively involved in their government." Mr. Werner confirmed that committee members attending meetings by telephone conference call is a regular occurrence. He assured the committee members that Member Messina was listening to the conversation and could participate in discussion and action via the telephone conference call. "There's no advantage or disadvantage to having him on the phone." In response to a further question, Mr. Munn reiterated that too many committee members needing to participate by telephone conference call would likely result in meeting cancellation. "It becomes technically impossible." Chairperson-elect DePauw expressed opposition to "the general public [being] pushed out of the same system that is available to members." Mr. Munn and Mr. Werner reiterated the legality of the practice. Chairperson-elect DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, thanked Mr. Munn for his presentation. She recommended that the committee members carefully review the PowerPoint presentation. Mr. Munn acknowledged that he had been assigned as the committee's counsel. Chairperson-elect DePauw entertained public comment; however, none was forthcoming.

8. REVIEW AND DISCUSSION ON THE PROCESS AND TIMELINE FOR THE CHARTER REVIEW COMMITTEE (3:49:26) - Chairperson DePauw introduced this item and, at her request, Mr. Werner introduced City staff. Mr. Werner proposed the same process to advertise in the local newspaper and on the City's website for anyone interested in recommending a charter amendment. He advised of having received more than a dozen recommendations, to date, for which agenda reports will be prepared, including a staff evaluation for each. The accumulated items will then be agendaized at the next meeting for committee review, deliberation, and possible action. Mr. Werner reviewed the time frame for presenting the committee's recommendations to the Board of Supervisors in July, as part of a joint meeting with the committee. He explained that the Board of Supervisors would make a determination, at that meeting, whether or not to forward the committee's recommendations to the State Legislature. The State Legislature then determines whether or not to amend the City Charter.

Member Joiner commended the process on behalf of the public. In response to a question, Chairperson DePauw referred to the bylaws, copies of which were included in the agenda materials, delineating the process for committee members to request agenda items. In response to a comment, Mr. Werner explained the necessity of specifics in consideration of agenda and agenda report preparation. In response to a further question, he explained that recommendations should focus on proposed revisions to the charter which may be necessary to the City's function. He further explained that City staff does not conduct any outreach relative to public education on the charter. "... that would be extremely difficult to do as it's more of an inner workings than it is a general community engagement, but there are people out there that do get engaged and those are the ones we want to hear from." He clarified that community outreach would be difficult, if not impossible, to accomplish in a meaningful framework for the general populace. He further clarified that anyone is welcome to visit the City Manager's, the Clerk's, or the District Attorney's Offices to talk about the charter "... or how it works."

Chairperson DePauw entertained additional questions or comments of the committee members; however, none were forthcoming. She suggested publishing the committee's meeting schedule in the local newspaper. In response to a question, Mr. Werner advised that none of the proposed revisions to the charter were agendaized for this meeting because the committee had not yet been selected nor had the process been defined. He reiterated that approximately a dozen requests had been received, to date, and that they will be agendaized for the next committee meeting.

Chairperson DePauw entertained public comment. (4:00:31) Dennis Johnson inquired as to whether the

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public submissions will be compiled in a list. Mr. Werner advised that a list will be compiled and made continually available to the committee. He referred to the matrix of committee actions from the 2010 process included in the agenda materials. He advised that each person who submits an item will be notified of the meeting at which the item will be heard by the committee. Chairperson DePauw entertained additional public and committee member comments. None were forthcoming.

9. POSSIBLE ACTION TO SET THE MEETING DATES AND TIMES OF THE CHARTER REVIEW COMMITTEE (4:01:43) - Chairperson DePauw introduced this item, and referred to the agenda materials. Mr. Werner advised of the limitations associated with scheduling the Sierra Room, and acknowledged that the proposed meeting dates and times, listed in the February 16, 2012 memo included in the agenda materials, were selected based on room availability. **Member Lincoln moved to commit to the May 22 and June 26 meeting dates at 3:00 p.m. Member Allen seconded the motion.** Chairperson DePauw expressed concerns with regard to limiting the committee meetings to two and with regard to accommodating the public's participation. She expressed the belief that there should be at least five meetings. Member Lincoln clarified the intent of his motion based on the availability of the meeting room on the dates listed in the February 16, 2012 memo included in the agenda materials. "... just to confirm those two dates. That's all the motion is; doesn't say anything about any more or any less meetings." Chairperson DePauw entertained additional discussion on the motion and public comment. When none was forthcoming, she called for a vote on the pending motion. **Motion carried 9-0.**

Chairperson DePauw entertained discussion relative to additional meeting times and dates. Mr. Werner suggested "see[ing] where we're at after the May 22nd meeting." Chairperson DePauw expressed the opinion "we need to get going on this since we have already so many agenda items and we don't know what's going to be coming in the near future." She expressed the further opinion that some of the items will have to be agendized more than once, and recommended scheduling the next meeting for Monday, April 30th at 5:30 p.m. She suggested that more people would be available to attend the meeting at the 5:30 p.m. time. She expressed the opinion that "at least two other" meetings should be scheduled, and reviewed the dates listed in the February 16th memo. Mr. Werner offered to re-review the available dates.

Member Allen expressed a preference to keep the meetings at 3:00 p.m. "because that does give us more time, especially if the agenda turns out to be lengthy ... No one wants to be around here half the night waiting to hear subjects come up ..." Chairperson DePauw expressed understanding for Member Allen's comments, but advised of having received input relative to a preference for 5:30 p.m. meetings. She expressed a preference for shorter meetings, and reiterated the suggestion for scheduling alternate dates. She further suggested "mixing and matching" the meeting start times to accommodate the public's various schedules. Member MacKenzie expressed a preference for scheduling the meetings at 3:00 p.m. Member Fregulia expressed a preference for scheduling the meetings at 3:00 p.m., noting that her ability to participate would be affected if the meetings are scheduled later in the day.

Member Allen suggested taking Mr. Werner's recommendation to conduct the first meeting and "see how those go and then see ... how many more are coming in." He noted that meetings can always be added, as necessary. Chairperson DePauw expressed a concern with regard to agendizing twelve items on the next agenda. "People can't go through that. It's not healthy." Member Lincoln suggested "maybe six of them are the same thing." Chairperson DePauw reiterated the preference to schedule the next meeting for Monday, April 30th. **Member Lincoln moved to table this discussion until the May 22nd meeting. Member Allen seconded the motion.** Chairperson DePauw entertained discussion on the motion. Member Joiner expressed no opposition to holding the next meeting in May "and letting staff get their ducks in a row and coalesce the 12 [items] down to how ever many it might be." He expressed concern

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over limiting the meetings to a certain number. Member Allen reiterated that additional meetings can be scheduled, as necessary. In response to a question, Mr. Werner advised that the committee has historically wrapped up its meeting schedule by the end of June in order to accommodate the State Legislature's bill draft request schedule. Member Joiner pointed out that everyone's schedule will become more impacted as spring turns to summer. He expressed no opposition to meeting in April or earlier in May. He expressed a concern with regard to ensuring the public and the committee are accommodated relative to consideration of items. Member Fregulia expressed support for the April 30th meeting date with the understanding "that was initially just to go through the list of items ... being brought in by the public for us to ... itemize and then prioritize. ... the other meetings ... may be much more efficient and focused once we have that initial meeting."

Chairperson DePauw entertained additional questions or comments of the committee members and, when none were forthcoming, public comment. (4:15:03) Amy Clemens requested the committee to schedule an evening meeting in consideration of work schedules.

(4:15:36) Dennis Johnson requested "at least one evening meeting, the idea with the critical nature of the Charter Review Committee is to decide issues that affect ... the Carson City residents. So it's important that you give them an opportunity to come in and state their case for whatever it might be."

Chairperson DePauw entertained additional public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 7-2.** In response to a question, Member Allen reiterated the motion to table any further discussion until the May 22nd meeting. Chairperson DePauw requested staff to research additional meeting dates and times. In response to a question, Mr. Werner offered to research the meeting room schedule for each of the upcoming meeting dates to ensure no later conflicts.

10. PUBLIC COMMENT (4:18:37) - Chairperson DePauw entertained public comment. (4:18:48) Assemblyman Pete Livermore discussed the importance of public participation, and requested the committee's due consideration of the same. He thanked the committee members for their valuable service, and wished them well. Chairperson DePauw entertained additional public comment; however, none was forthcoming.

11. ACTION TO ADJOURN (4:20:38) - Member MacKenzie moved to adjourn the meeting at 4:20 p.m. Member Allen seconded the motion. Motion carried 9-0.

The Minutes of the April 17, 2012 Carson City Charter Review Committee meeting are so approved this 22nd day of May, 2012.

DONNA DePAUW, Chair