

Item # 5-8c

**City of Carson City
Agenda Report**

Date Submitted: June 26, 2007

Agenda Date Requested: July 5, 2007

Time Requested: Consent

To: Mayor and Supervisors

From: Linda Ritter, City Manager

Subject Title: Action to appoint Jack "Wes" Clyde to the Advisory Board to Manage Wildlife for a three year term ending July, 2010.

Staff Summary: There is one opening on the Advisory Board to Manage Wildlife due to a member's term expiring. The Advisory Board recommends reappointment of Wes Clyde for a three year term to expire July, 2010.

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to appoint Wes Clyde to the Advisory Board to Manage Wildlife for a three year term ending July, 2010.

Explanation for Recommended Board Action: NRS501.260 provides for a three or five member board and NRS 501.265 provides for the Board of Supervisors to appoint members to the Advisory Board to Manage Wildlife upon the recommendation of the members of the Advisory Board. The Advisory Board has requested reappointment of Jack "Wes" Clyde for a three year term ending July, 2010.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 501.260; NRS 501.265 and Resolution 1994-R-7.

Fiscal Impact: None

Explanation of Impact: n/a

Funding Source: n/a

Alternatives: n/a

Supporting Material: Advisory Board's recommendation, NRS 501.260 & NRS 501.265 and Resolution 1994-R-7.

Prepared By: Rose Gardner, Management Assistant

Reviewed By: [Signature]
(City Manager)
Melanie Burkotta
(District Attorney)

Date: 6/26/07
Date: 6-26-07

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

From: Kathleen King
To: Rose Gardner
Date: 8/19/2007 2:50:19 PM
Subject: CCABMW Recommendation

Hi Rose,

The CCABMW took action at their June 18th meeting to recommend to the BOS the appointment of Wes Clyde to a three-year term. The motion was carried 3-0.

Thanks!
Kathy

COUNTY ADVISORY BOARD TO MANAGE WILDLIFE

NRS 501.260 Creation; number of members; officers.

1. There is hereby created a county advisory board to manage wildlife in each of the several counties.

2. In a county whose population:

(a) Is less than 400,000, each board consists of three or five members, at the discretion of the board of county commissioners.

(b) Is 400,000 or more, each board consists of five or seven members, at the discretion of the board of county commissioners.

3. A chairman and vice chairman must be selected by each board.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1969, 1554; 1977, 1230; 1985, 1350; 1989, 2192; 2005, 457)

NRS 501.265 Appointment of members; vacancies.

1. The board of county commissioners shall appoint qualified persons to the board who are residents of the county and are:

(a) Sportsmen; or

(b) Engaged in ranching or farming in the county.

2. Within 60 days after a vacancy occurs, the board of county commissioners shall appoint a member to the board upon the recommendation of the organized sportsmen and residents of the county.

3. Within 90 days after a vacancy occurs, the board of county commissioners shall report to the Commission the name and address of each member appointed.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1961, 473; 1969, 1554; 1971, 856; 1977, 1231; 1985, 1350; 1989, 2192)

NRS 501.270 Qualifications of members. The members of the board must be citizens of Nevada and bona fide residents of the county from which appointed.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1969, 1555; 1985, 1351)

NRS 501.275 Appointment and terms of members.

1. The boards of county commissioners shall appoint members to the boards of their respective counties.

2. Each member appointed shall serve a term of 3 years.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1961, 474; 1969, 1555; 1977, 1231; 1985, 1351)

NRS 501.285 Compensation of members. Members of the board shall serve without salary or compensation.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1985, 1351)

NRS 501.290 Meetings. The board shall meet before those meetings of the Commission at which seasons, bag limits or hours are to be established and at such other times as the chairman may call or the Commission may request.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1969, 1556; 1985, 1351)

NRS 501.293 Removal of member. Members of boards may be removed by the boards of county commissioners of the counties served for cause, including, but not limited to, absences from three consecutive, duly called board meetings, unless excused by their respective board chairmen.

(Added to NRS by 1969, 1559; A 1977, 1231; 1985, 1351)

NRS 501.297 Duties: Evaluating local opinion and advising Commission. The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife within their respective counties.

(Added to NRS by 1969, 1560; A 1985, 1351)

NRS 501.303 Duties: Submission of recommendations; attendance of chairman or other members at meetings of Commission.

1. The boards shall submit recommendations for setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and establishment of regulations covering open or closed seasons, bag limits, hours and other regulations or policies.

2. The chairman or vice chairman, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission at which seasons are set or bag limits, hours or other regulations and policies are established; and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

(Added to NRS by 1969, 1560; A 1979, 893; 1985, 1351; 1989, 2192)

NRS 501.310 Fund for advisory board. There is hereby created in each of the counties of this state a fund for the advisory board. The fund must be kept in the county treasury, and all money received from the Department must be placed in the fund.

[Part 47:101:1947; 1943 NCL § 3035.47]—(NRS A 1969, 1556; 1985, 1351; 1993, 1655; 2003, 1524)

NRS 501.320 Budgets.

1. Annually, not later than May 1, each board shall prepare a budget for the period ending June 30 of the following year, setting forth in detail its proposed expenditures for carrying out its duties as specified in this title within its county, and submit the budget to the Commission accompanied by a statement of the previous year's expenditures, certified by the county auditor.

2. The Commission shall examine the budget in conjunction with the Director or a person designated by him, and may increase, decrease, alter or amend the budget.

3. Upon approval of the budget, the Department shall transmit a copy of the approved budget to the board, and at the same time withdraw from the Wildlife Account within the State General Fund and transmit to the board the money required under the approved budget for disposition by the board in accordance with the approved budget. All money so received must be placed in the fund for the advisory board.

[12:101:1947; 1943 NCL § 3035.12]—(NRS A 1959, 362; 1969, 1556; 1979, 893; 1985, 1352; 1993, 1655; 2003, 1524)

NRS 501.325 Duties of county auditor and county treasurer. The county auditors and county treasurers in the respective counties are responsible for the safety and preservation of the fund for the advisory board in their county to the same extent as they are in respect to all other money in the county treasury. They shall observe and are bound by the approved budget governing the disposition of the money and shall report their actions currently in connection therewith.

[12a:101:1947; added 1949, 292; 1943 NCL § 3035.12a]—(NRS A 1985, 1352)

RESOLUTION NO. 1994-R-7

A RESOLUTION FOR THE APPOINTMENT OF MEMBERS TO THE
CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE.

WHEREAS, NRS 501.260 requires the Carson City Board of Supervisors to appoint an advisory board to manage wildlife in Carson City and Carson City has had such an advisory board; and

WHEREAS, Resolution 1993-R-58 of the Carson City Board of Supervisors establishes the method for appointment of members of certain boards and commissions in Carson City; and

WHEREAS, the terms of a certain former members of the Carson City Advisory Board to Manage Wildlife have expired leaving too few members to establish a quorum of the Advisory Board and Resolution 1993-R-58 does not address such a situation; and

WHEREAS, the vacancies on the Advisory Board to Manage Wildlife were advertised and a large number of responses have been received; and

WHEREAS, the Board of Supervisors desires to make new appointments to the Advisory Board to Manage Wildlife in an efficient and fair manner.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, as follows:

1. The Board of Supervisors will review the applications of the people desiring appointment to the Advisory Board to Manage Wildlife and make the selection of new members at an open public meeting.

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1 2. Due to the unique facts involving the expiration of the
2 terms of a number of the members of the Advisory Board to Manage
3 Wildlife a unique process must be used to review the applications
4 and make the selections for the Advisory Board to Manage
5 Wildlife.

6 3. This resolution and the process used to select the new
7 members of the Advisory Board to Manage Wildlife shall have no
8 effect on Resolution 1992-R-58 in the form it was adopted by the
9 Board of Supervisors.

10 ADOPTED this 6th day of January, 1994.

	<u>Aye</u>	<u>Nay</u>
12 Mayor Teixeira	<u>x</u>	<u> </u>
13 Mayor Pro Tempore Bennett	<u>x</u>	<u> </u>
14 Supervisor Ayres	<u>x</u>	<u> </u>
15 Supervisor Smith	<u> </u>	<u> </u>
16 Supervisor Tatro	<u>x</u>	<u> </u>

17 Absent:

Greg Smith

18 Mary Teixeira
19 MARY TEIXEIRA, Mayor

20 ATTEST:

21 Kiyoshi Nishikawa
22 KIYOSHI NISHIKAWA, Clerk-Recorder
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NRS 501.243 Enforcement of chapter 488 of NRS; regulations; cooperative agreements.

1. The division shall execute, administer and enforce and perform the functions and duties provided in chapter 488 of NRS.

2. The commission has the power and authority to:

(a) Promulgate rules and regulations governing the use of waters for recreational purposes, which waters are open to the public and are not under the direct control of any other state or federal agency for recreational use.

(b) Enter into cooperative agreements with federal, state and county agencies having regulatory powers pertaining to the use of public waters for recreational purposes for the purpose of coordinating such rules and regulations.

(Added to NRS by 1965, 1060; A 1969, 1551; 1993, 1655)

NRS CROSS REFERENCES.
Watercraft, NRS ch. 488

ADMINISTRATIVE REGULATIONS.
Watercraft, NAC ch. 488

COUNTY ADVISORY BOARD TO MANAGE WILDLIFE

WEST PUBLISHING CO.
Fish ⇐ 11.
Game ⇐ 6.

WESTLAW Topic Nos. 176, 187.
C.J.S. Fish § 37.
C.J.S. Game § 9.

NRS 501.260 Creation; number of members; officers.

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2. Each board consists of three or five members, at the discretion of the board of county commissioners.

3. A chairman and vice chairman must be selected by each board.

[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1969, 1554; 1977, 1230; 1985, 1350; 1989, 2192)

ATTORNEY GENERAL'S OPINIONS.

Members of county boards required to take an oath of office. The members of county game management boards (now county advisory boards to manage wildlife) are public officers and upon appointment are required to take a constitutional oath of office. AGO 352 (11-5-1954)

Members of county boards not required to act as police officers. The members of county game management boards (now county advisory boards to manage wildlife) are not required to act as police officers in order to enforce state fish and game laws, although they may voluntarily consent to do so. AGO 352 (11-5-1954)

NRS 501.265 Appointment of members; vacancies.

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(a) Sportsmen; or

(b) Engaged in ranching or farming in the county.

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ATTORNEY GENERAL'S OPINIONS.

Office of justice of the peace is incompatible with the office of member of county board. The office of justice of the peace is incompatible with the office of a member of a county game manage-

ment board (now county advisory board to manage wildlife) as holding both offices would violate the separation of powers doctrine set forth in Nev. Art. 3, § 1. AGO 913 (4-28-1950)

NRS 501.275 Appointment by commissioners of respective counties; terms.

1. The boards of county commissioners shall appoint members to the boards of their respective counties.

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[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1961, 474; 1969, 1555; 1977, 1231; 1985, 1351)

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[Part 13:101:1947; A 1949, 292; R 1953, 676; added 1953, 676]—(NRS A 1969, 1556; 1985, 1351)

NRS CROSS REFERENCES.

Meetings of public agencies, NRS ch. 241

NRS 501.293 Removal of member. Members of boards may be removed by the boards of county commissioners of the counties served for cause, including, but not limited to, absences from three consecutive, duly called board meetings, unless excused by their respective board chairmen.

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