

Board of Supervisor "DRAFT" minutes for the following dates are included in this section;

November 15, 2007 – Regular Meeting
December 20, 2007 - Regular Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 15, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Richard S. Staub	Supervisor, Ward 4
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Al Kramer	Treasurer
	Larry Werner	City Engineer/Development Services Director
	Walter Sullivan	Community Development Director
	Ann Silver	Human Resources Director
	Roger Moellendorf	Parks and Recreation Director
	Andrew Burnham	Public Works Director
	Melanie Bruketta	Chief Deputy District Attorney
	Cheryl Adams	Purchasing and Contracts Manager
	Vern Krahn	Parks Planner
	Katherine McLaughlin	Recording Secretary
	Sandy Scott	Contracts Coordinator

(BOS 11/15/07 Recording 8:33:00)

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 8:33 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Supervisor Aldean lead the Pledge of Allegiance. Rev. Patrick Propster of the Calvary Chapel and the Carson City Christian Fellowship gave the Invocation.

PUBLIC COMMENTS AND DISCUSSION (8:36:30) - Sam Dehne advised that he had attended all of the Board's meetings for one year and eight months with the exception of one meeting. He intended to continue his dialogue from the previous meeting regarding the good things that are occurring in Carson City. He then introduced Santa Claus who has moved to Carson City from Reno. Santa Claus will now be located at the Carson Mall on a year-round basis commencing with the Saturday after Thanksgiving. Mayor Teixeira welcomed Santa Claus to Carson City. Santa Claus distributed Christmas Album CDs by

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the "Two Wild Yankees Band" to the ladies. (A copy is in the file.) Mr. Dehne announced that the CD's will be available at the Carson Mall commencing the Friday after Thanksgiving. He urged the public and Board to have their pictures taken with Santa Claus. He wished the Board and community Happy Thanksgiving. He then advised that he will be leaving immediately after Public Comments. (8:51:45) The Board thanked Mr. Dehne for the CD and having Santa Claus attend the meeting.

Jim Shirk drew the Board's attention to Agenda Item 9 and urged the Board to use wisdom when considering the \$2 million offer on the former Wal-Mart site. Mayor Teixeira explained the Board's protocol regarding agenda items and asked that he hold his comments until the item is reached on the agenda. Additional comments were solicited but none were given. No formal action was taken or required on either of the two comments.

1. **ACTION ON APPROVAL OF MINUTES (8:35:40) - None.**

2. **CHANGES TO THE AGENDA (8:36:00) - Item 11A was pulled due to changes made at last night's RTC meeting.**

3. **SPECIAL PRESENTATION**

A. PRESENTATION OF A PROCLAMATION FOR "THE GREAT AMERICAN SMOKE-OUT DAY," NOVEMBER 15, 2007 (8:41:33) - Supervisor Shelly Aldean read the proclamation into the record and presented it to Human Resource Director Ann Silver. Mayor Teixeira suggested that his name be removed from the Proclamation and Supervisor Aldean's name be placed on the Proclamation. Ms. Silver described the City employee program that traded tobacco items for cold turkey sandwiches and indicated that 15 employees have taken advantage of the program. She offered Mayor Teixeira a two-pound can of coffee for his packet of cigarettes. Mayor Teixeira indicated that he "felt the pressure". No formal action was taken or required.

B. PRESENTATION OF A PROCLAMATION FOR "NEVADA FOR HEALTH CARE" (8:44:48) - Mayor Teixeira welcomed Beth Holcomb and read the proclamation into the record. Ms. Holcomb thanked the Board for the proclamation. No formal action was taken or required.

4. **CONSENT AGENDA (8:48:36)**

4-1. AIRPORT AUTHORITY - ACTION TO APPROVE A LEASE AGREEMENT BETWEEN THE CARSON CITY AIRPORT AUTHORITY AND THE NEVADA MUSEUM OF MILITARY HISTORY, A NEVADA NONPROFIT CORPORATION

4-2. DEVELOPMENT SERVICES - ENGINEERING

A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE NOTICE OF COMPLETION OF A SANITARY SEWER PARTICIPATION AGREEMENT BETWEEN SOUTH CARSON, LLC, 6490 SOUTH MCCARREN, BUILDING E, RENO, NV 89509, AND CARSON CITY FOR SANITARY SEWER ENGINEERING DESIGN AND CONSTRUCTION ON THE OLD ALIGNMENT OF PATRICK STREET, UNDERNEATH SOUTH

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CARSON STREET, BETWEEN THE TERMINUS OF THE EXISTING SEWER LINE ON THE EAST SIDE OF SOUTH CARSON STREET TO THE INTERSECTION OF JUNCTION DRIVE AND PATRICK STREET ON THE WEST SIDE OF SOUTH CARSON STREET. RECORDED NO. 361866 OF THE OFFICIAL RECORDS OF CARSON CITY, NEVADA AND ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 7, 2006

B. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE NOTICE OF COMPLETION OF A WATER, SANITARY SEWER AND STORM SEWER PARTICIPATION IMPROVEMENT AGREEMENT BY AND BETWEEN CARSON GAMING, LLC, AND CITY OF CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, FOR WORK INCLUDING, BUT NOT LIMITED TO THE CONSTRUCTION OF A WATER, SANITARY SEWER AND STORM SEWER ON CURRY STREET FROM CLEAR-VIEW DRIVE TO WIALAKI STREET, THE WORK INCLUDES UTILITY EXTENSION FOR WATER, SANITARY SEWER, AND STORM SEWER WITH ROADWAY RESTORATION. RECORDED NO. 366344 OF THE OFFICIAL RECORDS OF CARSON CITY, NEVADA AND ADOPTED BY THE BOARD OF SUPERVISORS ON APRIL 6, 2007

4-3. PURCHASING AND CONTRACTS

A. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE AUTOMATED DOCUMENT MANAGEMENT SYSTEM HAS REACHED THE END OF ITS USEFUL LIFE AND WILL BE DONATED TO COMPUTER CORPS, A NON-PROFIT ORGANIZATION CREATED FOR CHARITABLE PURPOSES AS SET FORTH IN NEVADA REVISED STATUTE 372.3261 (FILE 0708-065)

B. ACTION TO ACCEPT THE RECOMMENDATION OF PUBLIC WORKS TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THIS RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$8,960 FOR CONTRACT NO. 2005-163 TIMBERLINE AND COMBS CANYON STORM WATER DRAINAGE PROJECT WITH RAPID CONSTRUCTION, INC.

4-4. PARKS AND RECREATION - ACTION TO ACCEPT THE DEDICATION OF JOHN MANKINS PARK PROPERTY FROM SILVER OAK DEVELOPMENT COMPANY, ASSESSOR PARCEL NUMBER 007-462-13, AS PER THE SILVER OAK PLANNED UNIT DEVELOPMENT SUBDIVISION NEIGHBORHOOD PARK AGREEMENT, AND ACCEPT A \$25,000 PAYMENT FROM THE DEVELOPER TO "BUY OUT" THE FIRST YEAR OF A TWO-YEAR MAINTENANCE REQUIREMENT OF THE DEVELOPER FOR THE PARK SITE, AND \$25,000 FOR THE SECOND YEAR PAYMENT ONE YEAR FROM THE DATE OF THE FIRST PAYMENT TO TOTAL \$50,000 FOR THE TWO-YEAR MAINTENANCE "BUYOUT" -

Supervisor Aldean and Sam Dehne asked that Item 4-1 be pulled for discussion. Supervisor Livermore moved to approve the Consent Agenda consisting of five remaining items, 4-2 A and B, two items, 4-3 Purchasing and Contracts with Resolution No. for Item 4-3A of 2007-R-34, and 4-4 Parks and Recreation for a total of five consent items on the agenda. Supervisor Williamson seconded the motion. Motion carried 5-0.

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4-1. (8:48:36) - Supervisor Aldean felt that it was laudable to have the museum and the rental fee of \$1. She questioned the reasons a use restriction was included in the lease. Supervisor Staub concurred with her suggestion that the use be restricted to the nonprofit museum's activity.

Sam Dehne explained that he had noticed the item was on the Consent Agenda. He felt that the matter should not be on the Consent Agenda. The Airport Authority agreed with the Board regarding the lease of a portion of the airport for a nonprofit airport museum containing military history items. He believed that the museum is a great step in the right direction for both the City and the Airport. He hoped that the lease amount was nominal. It is another attraction. He was certain that Neil Weaver and Airport General Manager Yvon Weaver will work hard to ensure that it is a successful operation due to the historical items contained in their hangar. He then espoused his belief that it would enhance the City's ability to have scheduled airline service. Additional public comments were solicited but none were given.

Supervisor Aldean moved to approve the lease between the Carson City Airport Authority and the Nevada Museum of Military History subject to the addition of a specific use provision. Supervisor Staub seconded the motion. Motion carried 5-0.

5. CITY MANAGER - PRESENTATION BY JEFF FONTAINE, EXECUTIVE DIRECTOR FOR THE NEVADA ASSOCIATION OF COUNTIES (NACO) ON THE ORGANIZATION'S RECENT ACTIVITIES (8:51:41) (9:08:33) - Mr. Fontaine noted his tenure with NACO and disclosed that he had learned a lot about what local governments do. His comments supported stepping up the advocacy for local jurisdictions. He thanked the Board for its support and Supervisor Williamson's active participation as the City's representative to NACO. He announced her selection as Vice President for 2008 and as President in 2010. Mayor Teixeira's involvement with NACO's meth task force and as an advocate at the Legislature was also noted. He also complimented the City's staff for its dedication and support at the Legislature. Carson City will be the host for NACO's annual conference in 2008. Washoe County will host the National Association of Counties conference in 2010. He then introduced his staff and briefly highlighted their activities and the various programs/services offered by NACO. Concerns were voiced about the federal mining reform act. The status of other federal bills was provided including the farm bill; the Clean Water Act; HR 4121; disaster relief; rules regarding the "standard eight hour standard for ozone"; the State legislature's standing committee on public lands, yesterday's transportation committee meeting on its funding and potential options, and Clark and Washoe Counties loss of three cents for transportation funding. It was felt that Carson City may also be impacted by this legislative mandate. Mr. Fontaine continued his report with an explanation of the Governor's budget reductions. It was believed that the family, child, and welfare areas will not be impacted by his cuts. Comments noted the Public Utility Commission's mandate that sewer utilities mark the laterals in the right-of-way. This process is currently being done for other utility services. Public Works Director Andrew Burnham indicated that this requirement will have a large financial burden on the City. Comments stressed the need to ensure that future legislation does not redirect local revenue to State programs and services. Counties also want a say regarding tax abatements in the future. Both the property tax cap in general and the tax policy need to be watched carefully with County participation in all discussions. The importance of home rule was also emphasized. It was felt that if Senator Care is unsuccessful during the next session, home

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rule may not happen as this will be his last session. The restriction on the number of bills which may be submitted for the next session was also noted. Mayor Teixeira expressed a desire to discuss an ad valorem equity proposal with Mr. Fontaine. Mr. Fontaine explained the issues which will have to be addressed in order to implement the proposal. Both felt that it could be hard to sell, however, it is a viable option particularly if the League of Cities helps support the concept. Mr. Fontaine advised that county revenue needs to be a top priority during the next session. He hoped that it can be considered with a clean slate based on equity and a determination of what are essential services. Unfunded mandates and cost shifting must be rejected. The State must provide for economic development and structures in order for additional growth to continue occurring. Long term care issues were cited and need to be addressed. Mr. Fontaine then thanked the Board for its support and explained his original excitement regarding the job. This excitement continues, however, the Board's support is necessary for NACO to be successful in meeting its goals and objectives. He suggested that key representatives be invited to come and experience from behind the scenes how the Counties function and observe the services that are being provided.

Supervisor Williamson complimented Mr. Fontaine on his efforts. She also described his outreach to Clark County and the need for all 17 Counties to work together as a united front during the legislative sessions. Mayor Teixeira felt that Clark County's NACO Representative is more active with the Association than were previous representatives. He also felt that there is some disconnect between Clark County and its legislators.

Discussion ensued on the unfunded mandates and the footnote used to exempt bills from its requirements. Mr. Fontaine was uncertain whether there is a statutory prohibition against enacting bills with fiscal impacts on local governments. Discussion explained the advisory question that NACO had supported several elections ago regarding unfunded mandates. It was felt that additional research needed to be undertaken due to the belief that there is a prohibition against enactment of any legislation imposing an impact of more than \$5,000.

Mayor Teixeira thanked Mr. Fontaine for his presentation and looked forward to working with him in the future. No formal action was required or taken on any of these topics.

6. PURCHASING AND CONTRACTS - Contract Coordinator Sandy Scott; Purchasing and Contracts Manager Cheryl Adams

A. ACTION TO DETERMINE THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 338 AND AWARD CONTRACT NO. 2007-065 CARSON CITY FAIRGROUNDS/FUJI PARK – RODEO ARENA IMPROVEMENTS, PHASE IV, PART 2 PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (8:51:56)
- Parks and Recreation Director Roger Moellendorf - The contract is to be effective on 11/19. Staff's recommendation included adding alternates to the final project. Discussion pointed out the good bidding atmosphere evidenced by the bids and the hope that this is the beginning of a better contracting period for the City. City staff, including Parks Planner Vern Krahn and Senior Project Manager John Benzing, and the consultants were complimented on the project. It was felt that the City's project will be completed

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before Bodine's is finished. The proposed design was described. The project will complete the east end of the fairgrounds. Discussion noted the status of the fishing pond, its funding potentials, and the joint use and participation parking lot agreement with Bodine's. Mayor Teixeira complimented Supervisor Livermore on his dedication and efforts regarding the project. Mr. Moellendorf committed to making a presentation to the Board regarding the entire fairgrounds soon. Supervisor Livermore moved to determine that Horizon Construction, Inc., is the lowest responsive and responsible bidder pursuant to NRS Chapter 338, to award Contract No. 2007-065 Carson City Fairgrounds/Fuji Park - Rodeo arena Improvements, Phase IV, Part 2 Project to Horizon Construction, Inc., for a bid cost of \$1,633,579.60 plus a ten percent contingency amount of \$163,357.96 from the Question 18 and Capital Improvement Funds as provided for in FY 2007-08 as well as the \$100,000 donation from Mike Pegram, and to authorize the Mayor to sign the contract contingent on there being no protests filed pursuant to NRS 338.142; and the engineer's estimate is \$1,900,000. Supervisors Aldean and Staub seconded the motion. Motion carried 5-0.

B. ACTION TO DETERMINE THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 338 AND AWARD CONTRACT NO. 2007-073 CARSON CITY FREEWAY PHASE 2A UTILITY RELOCATIONS, HIGHWAY 50 EAST PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (9:01:29) - Comments were solicited. Supervisor Aldean noted the bids had also come in under the estimate. Supervisor Aldean moved to determine that Aspen Developers Corp. is the lowest responsive and responsible bidder pursuant to NRS Chapter 338, to award Contract No. 2007-073 Carson City Freeway Phase 2A Utility Relocations, Highway 50 East Project to Aspen Developers Corp for a bid cost of \$396,312 plus a contingency amount of \$50,000 from the Water and Sewer NDOT Bypass Funds as provided for in FY 2007-2008, and to authorize the Mayor to sign the contract contingent upon there being no protests filed pursuant to NRS 338.142; the engineer's estimate is \$531,870. Supervisor Williamson seconded the motion. Motion carried 5-0.

C. ACTION TO DETERMINE THAT HUNGERFORD AND TERRY, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 332 AND AWARD CONTRACT NO. 0708-046 PACKAGED ARSENIC WATER TREATMENT PLANT EQUIPMENT TO HUNGERFORD AND TERRY, INC. FOR A BID COST OF \$834,665 AND A CONTINGENCY AMOUNT OF \$42,000 FOR A NOT TO EXCEED COST OF \$876,665 FROM THE WATER FUND (9:03:45) - Public Works Operations Manager Ken Arnold, City Engineer/Development Services Director Larry Werner - Brown and Caldwell's representative was present. (He did not speak.) Justification for awarding the bid to the highest bidder was based on the belief that it was the only responsive bid due to the items that had been left out of or incorrectly addressed in the other bids. The importance of having the project completed correctly and on time was emphasized. Discussion also indicated that allowing the bidders to revise their bids at the bid opening would have created an unfair situation for bidders who had submitted their bids correctly. Clarification could have been requested before the bid was submitted. It is the bidder's obligation to submit the documents correctly. If clarification requests indicate an amendment is needed, staff will provide one. A protest has not yet been filed. Ms. Adams explained the project's pre-qualification requirements of the bidders during which two bidders were determined to be "insufficient". They did not submit a bid. Brown and Caldwell had allegedly

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provided comments to the bidders during the pre-qualification process regarding the information that was lacking. These firms did not address any of those issues when they submitted their new documentation. Ms. Adams had been contacted by one of the bidders regarding the protest process. He was advised of the requirements. He purportedly decided to go with the City's recommendation rather than protest the bid. Additional comments were solicited but none were given. Supervisor Staub moved to determine that Hungerford and Terry, Inc., is the lowest responsive and responsible bidder pursuant to NRS Chapter 332 and award Contract No. 0708-046 Packaged Arsenic Water Treatment Plant Engineering to Hungerford and Terry, Inc., for a bid cost of \$834,665 and a contingency amount of \$42,000 for a not to exceed cost of \$876,665 from the water fund. Supervisor Livermore seconded the motion. Motion carried 5-0.

7. DEVELOPMENT SERVICES - PLANNING AND ZONING - Community Development
Director Walter Sullivan

A. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING OF APN 003-283-05 FROM DOWNTOWN MIXED USE (DT-MU) TO PUBLIC (P) LOCATED ON NORTH CARSON STREET, NORTH OF WEST ROBINSON STREET AND EAST OF NORTH CURRY STREET AND WEST OF NORTH CARSON STREET (FILE ZMA 07-141) (9:38:03) - Comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No. 139, AN ORDINANCE TO CHANGE THE ZONING OF APN 003-283-05 FROM DOWNTOWN MIXED USE TO PUBLIC LOCATED ON NORTH CARSON STREET, NORTH OF WEST ROBINSON STREET AND EAST OF NORTH CURRY STREET AND WEST OF NORTH CARSON STREET based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.035, COMMISSIONS AND BOARD APPLICATIONS, MODIFYING THE APPLICATION SUBMITTAL DEADLINE DATE FOR PLANNING COMMISSION APPLICATIONS, AND MODIFYING THE TIME LIMITS FOR OBTAINING A COMPLETE APPLICATION FOR PLANNING COMMISSION REVIEW, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA-07-159) (9:39:36) - Comments were solicited but none were given. Mr. Sullivan advised that Builders Association of Western Nevada had reviewed and supported the ordinance. Supervisor Staub moved to introduce on first reading Bill No. 140, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.035, COMMISSIONS AND BOARD APPLICATIONS, MODIFYING THE APPLICATION SUBMITTAL DEADLINE DATE FOR PLANNING COMMISSION APPLICATIONS, AND MODIFYING THE TIME LIMITS FOR OBTAINING A COMPLETE APPLICATION FOR PLANNING COMMISSION REVIEW, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

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8. **DEVELOPMENT SERVICES - Director/City Engineer Larry Werner PRESENTATION ON THE FUNCTIONS AND RESPONSIBILITIES OF THE DEVELOPMENT SERVICES DEPARTMENT (10:50:47)** - (The entire Board was present for this Item, constituting a quorum.) A copy of the computerized slides used by Mr. Werner to highlight the functions and responsibilities is in the file. An email from the Burlington Coat Factory complimenting the City on its promptness in processing its application was noted. Its process was limned to illustrate the procedure. Training programs provided by the Department and examples of additional duties were noted. Involvement in attempting to reduce the FEMA flood insurance designation of the City from a Class 8 was limned. Mr. Werner believed that the City should be a Class 5, which should reduce the premium. Mr. Werner expressed his pleasure at working with the City's staff. City Manager Linda Ritter explained the change in attitude toward the Department as indicated by the City's recent survey. She felt that the change was created by Mr. Werner. No formal action was required or taken.

11. **PARKS AND RECREATION**

A. **ACTION TO ADOPT AND APPROVE THE COOPERATIVE (STEWARDSHIP) AGREEMENT BETWEEN THE CARSON CITY BOARD OF SUPERVISORS, CARSON CITY, NEVADA, AND THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION FOR THE CARSON CITY FREEWAY'S "ULTIMATE" LANDSCAPING FOR PHASE 1 (NORTHERN LEG) (8:36:00)** - Pulled.

B. **PRESENTATION OF A \$20,000 DONATION CHECK BY MARY FISCHER, PRESIDENT OF GARDENERS RECLAIMING OUR WAYSIDES (GROW) TO MAYOR MARV TEIXEIRA FOR DESIGN AND CONSTRUCTION COSTS RELATED TO THE CARSON CITY FREEWAY'S "ULTIMATE" LANDSCAPING PROJECT FOR PHASE 1 (NORTHERN LEG) (9:41:13)** - Ms. Fischer informed the Board of the action taken by the Regional Transportation Commission last night and GROW's decision to withhold the check until the agreement between RTC and NDOT has been finalized. Justification for this decision was provided. She urged the Board to move forward quickly on getting the agreement formalized due to loss of funding for this project that had been previously experienced. She was concerned that the entitlements could be lost due to a change in priorities and politics. She invited everyone to enjoy the refreshments that were provided for the presentation. She appreciated everyone's time and effort on the project and hoped to be able to return next month after the agreement is signed.

Mayor Teixeira complimented her and GROW on their leadership efforts. They had pushed the envelope and gotten NDOT into an area it had refused to consider previously. They had also obtained \$2 million from Senator Reid which had been a task he thought would be impossible. Ms. Fischer thanked all of the participants involved with GROW and the effort. She felt that it was a case where the City had worked together as a community that had made it so successful. It will be a beautiful asset for the community once the project is completed.

Supervisor Aldean acknowledged that the RTC decision may have been disheartening for her and GROW;

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however, she believed that RTC was justified in voicing concerns regarding the liability, maintenance and funding issues. She pledged to contact NDOT Director Martinovich and work to get the staffs to resolve the issues quickly and return to the Board for consideration as soon as possible. The agreement must be workable for the long term benefit of the community.

Supervisor Williamson explained that Ms. Fischer and GROW had been relentless in their efforts to find funding for the landscaping. Their hard work had changed NDOT's attitude toward having landscaping along the freeway to the point where such landscaping is now encouraged. She encouraged Ms. Fischer to continue her efforts. Supervisor Livermore pointed out that former NDOT Director Jeff Fontaine had also participated in the effort. He also complimented Ms. Fischer on her efforts and dedication. He hoped that Mr. Fontaine had or would remain for refreshments. Supervisor Staub thanked her and GROW for the long term dedication and efforts. He had not wanted to derail the effort at yesterday's meeting, however, a bad agreement can only create a bad result. He hoped to have the revised document for next month's meeting. He asked the GROW members present to stand and be recognized. No formal action was required or taken on this item.

RECESS: A recess was declared at 9:50 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 10:08 a.m., constituting a quorum.

REDEVELOPMENT AUTHORITY (10:08:00) - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

BOARD OF SUPERVISORS (10:49:02) - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Teixeira who reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Aldean had recused herself and left the room at the beginning of the Redevelopment Authority session. She was not present for the following item. Mayor Teixeira also announced that the Closed Session will occur at approximately 1:30 p.m. and that he expected it to take at least an hour.

9. ACTION TO APPROVE THE OWNER PARTICIPATION AGREEMENT WITH CITY MANAGEMENT SERVICES, OWNER ROBERT ROTHE, DOING BUSINESS AS CARSON SOUTHGATE, LLC, TO PROVIDE FINANCIAL ASSISTANCE, ON A REIMBURSEMENT BASIS ONLY, FOR THE REHABILITATION OF THE VACANT, BLIGHTED FORMER WAL-MART BUILDING IN THE SOUTHGATE SHOPPING CENTER TO ALLOW FOR THE OCCUPANCY OF A 55,000 SQUARE-FOOT, NATIONALLY-RECOGNIZED SPORTING GOODS STORE (10:50:04) - (Supervisor Aldean had recused herself from participating on this Item. A quorum of the Board was present. Supervisor Aldean was absent.) Supervisor Williamson moved to approve the operating covenant and agreement with City Management Services, Owner Robert Rothe, doing business as Carson Southgate, LLC, to provide financial assistance on a reimbursement basis only for the rehabilitation of the vacant, blighted former Wal-Mart Building in the Southgate Shopping Center to allow for the occupancy of a 55,000 square foot, nationally recognized sporting goods store. Supervisor

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Livermore seconded the motion. Motion carried 3-1-1 with Mayor Teixeira voting Naye and Supervisor Aldean absent.

10. PUBLIC WORKS - Director Andrew Burnham - ACTION TO APPROVE A RESOLUTION CONSENTING TO RELINQUISHMENT AND LAND TRANSFER AGREEMENT BETWEEN CARSON CITY AND THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) (11:04:35) - (The entire Board was present, constituting a quorum.) Discussion explained the original commitment of a portion of the City's gas tax revenue toward the freeway and that a portion of it was relinquished as part of this land transfer agreement. It was felt that this "savings" will eventually be eaten up by maintenance costs. RTC reluctantly agreed to accept the streets as it has no choice in this matter. Supervisor Aldean moved to approve Resolution No. 2007-R-35 consenting to the relinquishment and land transfer agreement between Carson City and the Nevada Department of Transportation. Supervisor Williamson seconded the motion. Motion carried 5-0.

11. C. ACTION TO ADOPT ON SECOND READING, BILL NO. 138, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 13, PARKS AND RECREATION, CHAPTER 13.02, PARKS, BY ADDING SECTION 13.02.270, MOBILE BUSINESS OPERATIONS IN PARKS, AND OTHER MATTERS PROPERLY RELATED THERETO (11:07:49) - Parks and Recreation Director Roger Moellendorf - Supervisor Livermore explained the request for the ordinance was based on the need to control outside vendors for public health, safety, and welfare reasons. Photographs of purveyors illustrating his concerns had purportedly been shown/given to the Board. (A copy was not given to or shown to the Clerk.) Supervisor Livermore moved to adopt on second reading Bill No. 138, Ordinance No. 2007-39, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 13, PARKS AND RECREATION, CHAPTER 13.02, PARKS, BY ADDING SECTION 13.02.270, MOBILE BUSINESS OPERATIONS IN PARKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0.

D. UPDATE AND DISCUSSION REGARDING THE TAHOE BIKE PATH PROJECT AND DRAFT CONCEPT DOCUMENT - Open Space Assistant Ann Bollinger; Project Manager Karen Mullen - An explanation was provided regarding the project, its funding, the status of the interlocal agreement, assignment of the lead agency to Washoe County, the proposal to contract with EDAW for the bike path alignment from South Shore to North Shore, the public participation process, the two demonstration projects including their locations, and funding options. The need to involve Muscle Power in the process was noted. A list of groups and individuals who have an interest in the project is being compiled. The desire to have a pilot project located in Carson City was indicated. Explanations regarding the status of the field recognizance included the possibility of using old logging roads as part of the path project under a dual purpose concept. Reasons for this recommendation were provided and included the paving of some of the logging roads based on the objective of their continued and future fuel reduction usage. Other roadways are also being considered which may never be paved or may not be paved until some distant date in the future, if ever. The effort to increase non-motorized usage in the Basin was stressed. A map illustrating the alignment through Carson City's segment is being developed. It will not be

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necessary to acquire land or easement(s) for this alignment. The public education sessions on the project have been scheduled for this winter. Some of the base mapping has been completed. Public input on its visions and goals is needed. The Board's input on the draft conceptual document and on community groups who should be contacted were solicited.

Supervisor Livermore explained that the project had been presented to the Parks and Recreation Commission on several occasions. Question 1 funding is being used for the project. Carson City has applied for a portion of those funds. The project's development has been transferred to the Tri-County Agency. The Commission supports the project. It is part of the City's Bicycle Master Plan. Supervisor Aldean expressed concerns regarding the erosion created by people who park along Highway 28 and their numerous pathways to the Lake. An established network of pathways would reduce the erosion created by the current access methods. She questioned the locations for the proposed rest stops for these individuals. She suggested that mobile facilities be provided if trails are created for the pedestrians and bicyclists. Ms. Mullen explained that there are a number of restroom facilities down the sides of the slopes along Highway 28. She agreed that they do not take into account all of the "social trails" noted by Supervisor Aldean. The planning process includes how to make it better and how to guide individuals to areas with facilities. The area between Slaughter House Canyon and Sand Harbor was noted as an example of how to guide individuals to certain locations. Supervisor Aldean also advised that a "significant section of the Old Lincoln Highway" is contained in the private community of Glenbrook. Ms. Mullen agreed that it may not be possible to use old roads everywhere but where it is possible, they will be. Supervisor Aldean then advised that the Forest Service has a policy of decommissioning old roads. She urged Ms. Mullen to contact the Forest Service regarding any roadways desired for the trail early on in an effort to keep them open for the network. Ms. Mullen concurred and indicated that there is also a need to maintain some of them for fuel reduction and fire control. Additional comments were solicited but none were given. No formal action was required or taken.

RECESS: A recess was declared at 11:28 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 11:35 a.m., constituting a quorum.

12. CITY MANAGER - Linda Ritter

A. ACTION TO APPROVE A REVISED JOB DESCRIPTION FOR THE POSITION OF CITY MANAGER (11:34:40) - Freeman Johnson, Human Resource Manager Ann Silver - Supervisor Staub disclosed that he had emailed additional revisions to Ms. Ritter and the Board. (The Clerk did not receive a copy of this email.) The latest revision is dated 11/7 and was distributed yesterday. (A copy is in the file.) Supervisor Staub's language contained on Page 2 ensures that there is consistent communication of information to all the Board Members. He believed that the issue regarding Carson City residency had been addressed. He suggested that the second sentence and last sentence of the proposal wherein he had deleted "and" and separated the sentence after responsibilities read: "City Manager shall at all times maintain the highest level of personal and professional conduct in fulfilling the position's duties and responsibilities. The City Manager shall not engage in any activities deemed to be offensive, dishonest and disreputable." His email had also requested the language regarding demeaning,

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degrading, immoral, and unethical. His justification for inclusion of these terms was based on the fact that the words demeaning and degrading are included in statutory regulations in Nevada that address the conduct of public officials. He was willing to delete immoral as disreputable will cover immoral acts. His revision had a second sentence that read: "The City Manager shall not engage in any activities deemed to be disreputable, demeaning, degrading or unethical." He had also added what he felt was mandatory language as it will provide a penalty if he/she fails to maintain a high level of conduct. The third sentence would then read: "Failure to maintain this level of conduct or to adhere to all written personnel policies, regulations and Nevada Ethics and government law....." He added to the last sentence after "government law or to fail to exercise competent and sound judgement in the course of duties as City Manager..." This language goes to personal conduct as well as the ability to use competent and sound judgement. He is flexible about the use of this language based on the belief that it is used elsewhere, however, did not see it. He was also willing to delete the word immoral from his email recommendations.

Supervisor Aldean explained her concern with the term demeaning as its meaning requires an individual to be cognizant of and aware of his/her shortcoming. She used an example of her golf game to illustrate its demeaning of her abilities. She cautioned the Board against inserting themselves into the private lives of the employees. An example illustrating the point was City Manager Ritter's action as a Rotarian wherein she pushed a shopping cart on Carson Street while wearing a plumber's helper on her head. This act may be considered demeaning by some individuals. She asked that the word be removed and suggested disreputable be used instead. Supervisor Staub concurred with the removal of demeaning in an effort to provide uniformity within the Board if the remainder of the language is kept.

Supervisor Livermore indicated that he had been a strong advocate regarding the communication issue. He supported having appropriate, reliable, and equally shared communication with the Board Members. He wanted it to remain. Public comments were solicited.

Mr. Freeman explained his background as a former human resource professional for the State. The professional conduct code language should be the same for all of the City's employees. It should not be limited to just the professionals. Restricting the language to just the City Manager is short sighted. It should be contained in all contracts. Mayor Teixeira explained that only the City Manager has a contract. The conditions of employment are standard. Mr. Freeman felt that there should be conditions of employment and a code of conduct for all employees. These are Human Resource items. Mayor Teixeira explained that the Board could not act on his suggestion as it had not been agendaized. Mr. Freeman felt that, based on his experience, the conditions of employment and code of conduct are standard business practices. Mayor Teixeira explained that the position is the highest one in the City and is an at-will employee. Mr. Freeman agreed that the position is the highest in the City. He also indicated that an at-will employee is without the degree of specificity as proposed by Supervisor Staub. At-will means he/she can be terminated at will with or without notice and with or without cause at any time.

Clarification explained that the Board is revising the job description for the City Manager. The contract with Linda Ritter is not being changed at this time. Supervisor Williamson's concern regarding the job description is the use of subjective criteria, e.g., demeaning, professional, competence, etc. She felt that

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the different phrases should be more specific as to their meanings. One individual's competency could be another individual's fool hardy acts. She felt that the 11/7 proposal that reads: "Manager shall at all times...." and ends with "termination of employment" was sufficient. Mayor Teixeira noted the difference in opinions.

Supervisor Aldean pointed out that the notice she had received dealt with the City Manager's contract. Supervisor Staub felt that they had originally start with the contract. Today it appears that they are dealing with the job description. He had specifically cited different sections for his revisions. This is the first he was aware that they are discussing the job description. He questioned the reasons the agenda item had been changed. Ms. Ritter explained that the job description is easier to change. The Board can change it quickly. The contract requires negotiation. Mayor Teixeira pointed out that Supervisor Aldean had originally agendized the item for discussion. It evolved into the current agenda item. He felt that the original item had been premature. The two original recommended changes to her contract were to live in Carson City and have professional ethics. Supervisor Staub reiterated that the agenda addresses the job description and not the contract. He had believed that it was the contract that was to be addressed when he received the packet. He was willing to make the changes to the job description as a starting point.

Mr. Freeman advised that he had never seen the prohibitions and penalties in a job description. The prohibitions and penalties should be kept in a second document such as the contract.

Ms. Silver thanked Mr. Freeman for his comments. She explained that there are three different issues involved. The contract is negotiated. The job description is for the position and not the individual. The performance evaluation criterion evaluates the elements contained in the job description. Some of the criteria Supervisor Williamson was concerned about may belong in the performance evaluation rather than the job description. She offered to assist with clarifying the contractual language, job description, and the criteria for the job evaluation. The process will for separation of the three documents. Ms. Ritter suggested that Ms. Silver and Supervisors Aldean and Staub work on the documents and bring the matter back to the Board. Supervisor Aldean suggested that the performance evaluation proposal also be worked on as part of the process. Mayor Teixeira directed that the item be tabled to allow this to occur. No formal action was taken.

B. UPDATE ON THE CURRENT AND FUTURE FINANCIAL CONDITION OF THE CARSON CITY GENERAL FUND (11:51:30) - Copies of the computerized slides are in the file. Personnel reductions were highlighted. The hiring freeze has been implemented. The Board will consider all personnel requests for critical positions. Ms. Ritter suggested that the Finance Director's position be left vacant for six months. Supervisor Livermore opposed this suggestion. Action could not be taken as it had not been agendized. A review of the budget pursued. Sales tax revenue is down. The budget is again in the red. The decrease in real estate sales and recordings was noted. The Departments have been asked to submit corrected estimates so that budget revisions can be made now rather than later in the year. The increase in real estate foreclosures was noted. The Recorder's office has been collecting the appropriate fees and transfer taxes on recordings including commercial transfers and residential foreclosures. Mayor Teixeira felt that all the indicators show a continuing downward slide. It was felt

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that Clark County will eventually start seeing a decrease in revenue. Projections for the 2008-09 fiscal year are bleaker than the 2007-08 projections. It was felt that the General Fund for 08-09 will be down at least six or more percent. Due to the lack of an additional large box to stimulate the local economy, it was felt that corrective steps should be taken now. It was pointed out that Home Depot and Burlington Coat Factory will be opening soon which may change this outlook somewhat. It was uncertain whether there will be enough commercial growth to sustain the City. The Board/City must remain cautious and prudent with its funds. Additional comments were solicited but none were given. No formal action was required or taken.

13. HUMAN RESOURCES - City Manager Linda Ritter

A. ACTION TO AMEND THE TERMS OF THE HIRING FREEZE APPROVED ON OCTOBER 18, 2007 (12:03:48) -Chief Deputy District Attorney Melanie Bruketta, Court Administrator Maxine Cortes - Discussion noted the District Attorney's opinion that the hiring freeze could not be enforced upon the Judicial Branch. The Board controls their budgets. Once the funds are allocated, these Departments can spend it as deemed appropriate. There have been reductions in its staffing. The Board can request a five percent across the board reduction in funding as the Governor ordered with the State's budget. Discussion explained the effort to obtain grants to fund the Court position(s). Ms. Cortes assured the Board that the Department was attempting to hold the line and had suspended a position for one year. They will continue to analyze the positions and maximize their usage. The District Attorney's elimination of the Child Support Division was also noted. The remaining duties were assigned to Juvenile Master Dave Nielsen who will be reimbursed by the State for his time and staffing. The need to consider the dispatchers and employees hired under grants was noted. Board comments stressed the desire to hold the line wherever possible rather than be forced to layoff individuals if the revenue picture does not turnaround. Supervisor Williamson voiced her concern about the process as "one size does not fit everyone". It does not allow the Departments to work together and reassign work loads. Mayor Teixeira also felt that there was a lack of information regarding any savings already created by turnover or the freeze. Supervisor Williamson pointed out that there also had been a lack of information regarding the savings in overtime created by hiring additional firemen. Mayor Teixeira felt that the motion had included requiring Board approval for all overtime, call back time, and compensatory time for all employees effective with the November financial update in the General Fund and Enterprise Funds. Ms. Ritter indicated that she had the report if the Board wished to hear it. Supervisor Aldean pointed out that grant funded positions have little or no impact on the General Fund. Employees have aggressively worked to find funding for these positions. She supported allowing such positions to be filled specifically when there is no commitment to hire the individual after the grant is gone. These positions should be exempted from the freeze. Clarification indicated that an employee who worked under a grant had not been agendized due to the assumption that the motion had exempted them from the freeze. Supervisor Livermore pointed out that there are recreational employees who are hired for programs that generate funds for the positions. Employee turnover for these positions requires instant rehire to keep the program viable. He recommended exempting these positions from the freeze for that reason. Supervisor Staub explained his reluctant support for the freeze due to his belief that a five percent across the board cut would have been more successful. It also avoids the necessity of fighting over who is critical and who is not. Elimination of

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staffing also reduces the service level. He could not support the part-time recreation aide/sports position as being critical. He recommended scraping the freeze and agendizing an item for Board action that would determine the percentage that should be used for a budget reduction. Ms. Ritter explained the team effort that determined the factors to be used to determine what should be granted in the budget. Mayor Teixeira noted the exemptions from this criteria included: the Judicial Branch; the dispatchers; first line firemen; the deputies; and, if that position is not in place, if future costs or damages could result covers a wide number of other positions; those positions which create funding that makes them self-supporting or the work creates a net savings in operational costs; and those work positions needed to achieve goals set by the Board of Supervisors. This listing covers every position in the City. The Board is unable to hold the line on the requests. The Board should take action. The five percent freeze is not agendized. Therefore, it cannot be implemented. Supervisor Staub clarified his request as being to agendize it for the first meeting in December. Action by the Board should have all of the Departments prepare contingency plans for a five percent across the board cut similar to the Governor's request of State agencies and Washoe County's request of its Departments. He did not wish to hire individuals and later lay them off. He was also unwilling to go through the process of determining who is critical and who is not. He was prepared to terminate the hiring freeze and request a five percent cut in all budgets. Supervisor Livermore supported his recommendation. He also felt that the Board could act on the hiring freeze and direct the City Manager to bring back an across the Board reduction in budgets at a number set at five to six percent. He felt that all Departments could make a valid pitch for their positions as illustrated by the recreational programs which, without appropriate staffing, would be eliminated. Mayor Teixeira felt that the issue will become the creation of new positions which have never been needed before. He questioned how critical it is for Open Space to have an assistant and Street Maintenance to have workers for 90 days. He could not support them. He agreed that it will snow sometime which is when the Street Maintenance workers will be needed. Discussion between Ms. Bruketta and Supervisor Aldean indicated that the Board could act to terminate the freeze. She also suggested that the Board work with the District Attorney's office next time a freeze is considered so that the legalities of the act can be determined. Mayor Teixeira suggested that the freeze be terminated in 30 days which would allow time for a plan to be developed. Supervisor Aldean recommended the existing agenda be followed as not all of the positions fall under the listed categories. It exempts the judicial positions, grant funded positions, and positions that are funded through fees and charges. The abolishment of the freeze and across the board cuts can be considered at the next meeting. Supervisor Williamson then moved to amend the hiring freeze to exempt judicial positions, 911 dispatchers, grant funded positions, and positions funded through fees and charges from the hiring freeze. Supervisor Aldean seconded the motion. Motion was voted by roll call with the following result: Supervisor Williamson - Yes; Supervisor Aldean - Yes; Supervisor Livermore - Yes; Supervisor Staub - No; and Mayor Teixeira - No. Motion carried 3-2.

B. ACTION TO DETERMINE THE POSITION OF ENVIRONMENTAL CONTROL OFFICER IS CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION TO BE FILLED IMMEDIATELY; C. ACTION TO DETERMINE THE TWO POSITIONS OF STREET MAINTENANCE TECHNICIANS ARE CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITIONS TO BE FILLED AS SOON AS PRACTICAL; D. ACTION TO DETERMINE THE POSITION OF PART-TIME RECREATION AIDE/SPORTS IS CRITICAL

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TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION TO BE FILLED AS SOON AS PRACTICAL; E. ACTION TO DETERMINE THE POSITION OF PART-TIME LIFEGUARD IS CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION TO BE FILLED AS SOON AS PRACTICAL; F. ACTION TO DETERMINE THE POSITION OF PART-TIME RECREATION AIDE/LATCH KEY IS CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION TO BE FILLED AS SOON AS PRACTICAL; G. ACTION TO DETERMINE THE POSITION OF OPEN SPACE ASSISTANT TO BE CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION TO BE FILLED AS SOON AS PRACTICAL; H. ACTION TO DETERMINE THE POSITION OF PUBLIC HEALTH NURSE IS CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION BE FILLED AS SOON AS POSSIBLE; AND I. ACTION TO DETERMINE THE POSITION OF HIV/CHRONIC DISEASE PREVENTION MANAGER IS CRITICAL TO CITY OPERATIONS AND TO AUTHORIZE THE POSITION BE FILLED AS SOON AS POSSIBLE (12:24:59) - A review of the positions indicated that all were exempt from the hiring freeze. The life guard positions are partially self-funded. Open Space is self-funded by Question 18 monies. Street Maintenance workers are funded from gas and sales taxes. It will take approximately 45 days to hire them. They must be CDL drivers. There are no General Fund positions in Street Maintenance. Public Works Director Andrew Burnham explained a five percent cut of his budget would create a reduction in his capital projects as he has only one-half of a position in the General Fund. His Department provides services for the General Fund. He did not wish to cut his services. He also felt that there are no issues with the Enterprise Funds at this time, therefore, a reduction should not be made in them. Discussion indicated that it may be necessary to reduce the Enterprise Budgets. Mayor Teixeira hoped that if a layoff occurs, it may be possible to move General Fund positions into Enterprise areas. Ms. Ritter reminded the Board that it may be possible to use the stabilization funds to balance the budget, if necessary. The hiring freeze will and does impact service levels as illustrated by the need to hire an Engineering Tech or slow down the turnaround in plan check. Mr. Burnham agreed to freeze three Administrative positions to allow transfers if a layoff occurs. The majority of his positions, however, are professionals which will not allow the transfers. He also emphasized a desire to be part of the team effort. Mayor Teixeira encouraged him to hold the line for a short period of time. The five percent cut should be across the Board. Ms. Ritter explained that staff will work together to determine where the cuts can be made. It is possible that this will hit small Departments more than the large Departments. Mayor Teixeira noted that this matter had not been agendized. The hiring freeze is over. Supervisor Staub requested the Departments provide a contingency plan that will cut their budgets by five percent. He could live with General Fund cuts for the time being but at the end everyone will be facing the same cuts including the Enterprise Accounts. He felt that every Department Head could make a case for his/her position(s) as being critical. Mayor Teixeira concurred.

(12:35:40) Supervisor Staub expressed a desire to act on the Street Maintenance Technicians as one of the RTC Supervisors has taken on additional responsibilities. Supervisor Staub moved to determine that the two positions for Street Maintenance Technicians are critical to the operations and authorize the positions to be filled as soon as practical. Supervisor Aldean seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye.

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Supervisor Livermore moved to determine that the position of part-time Lifeguard is critical to the City operations and authorize the position to be filled as soon as practical. Supervisor Williamson seconded the motion. Motion carried 3-2 with Mayor Teixeira and Supervisor Staub voting Naye.

Supervisor Williamson moved to determine that the position of Public Health Nurse is critical to the City operations and authorize the position to be filled as soon as possible. Supervisor Aldean seconded the motion. Motion carried 3-2 with Mayor Teixeira and Supervisor Staub voted Naye.

Supervisor Williamson moved to determine that the position of Open Space Assistant is critical to the City operations and authorize the position to be filled as soon as practical. Supervisor Livermore seconded the motion. Supervisor Aldean clarified that the funding source for this position is from the Question 18 Open Space funds. The motion was voted by roll call with the following result: Supervisor Williamson - Yes; Supervisor Aldean - Yes; Supervisor Livermore - Yes; Supervisor Staub - No; and Mayor Teixeira - No. Motion carried 3-2. Discussion indicated that all of the positions had been hired.

14. BOARD OF SUPERVISORS - NON-ACTION ITEMS (12:38:27)

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS, CORRESPONDENCE TO THE BOARD OF SUPERVISORS, AND STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD - None.

B. STAFF COMMENTS AND STATUS REPORT - None.

15. ACTION TO ADJOURN (12:38:32) - Supervisor Aldean moved to adjourn. Supervisors Livermore and Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 12:39 p.m.

The Minutes of the November 15, 2007, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 2008.

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk-Recorder

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, December 20, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Marv Teixeira
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Richard Staub, Ward 4

STAFF: Linda Ritter, City Manager
Alan Glover, Clerk-Recorder
Sue Johnson, Internal Auditor
Melanie Bruketta, Chief Deputy District Attorney
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND INVOCATION (8:32:22) - Mayor Teixeira called the meeting to order at 8:32 a.m. Roll was called; a quorum was present. Supervisor Williamson was present via telephone. Ms. Ritter led the pledge of allegiance. Reverend Alan Dorway, of the First Presbyterian Church, gave the invocation.

PUBLIC COMMENTS AND DISCUSSION (8:33:59) - None.

1. **ACTION ON APPROVAL OF MINUTES (8:34:08) - None.**
2. **CHANGES TO THE AGENDA (8:34:12) - Ms. Ritter advised that items 8-D and 9-B would be deferred to the January 3rd Board of Supervisors meeting.**
3. **BOARD OF SUPERVISORS CONSENT AGENDA (8:34:39) - Mayor Teixeira entertained requests to hear individual consent agenda items. Supervisor Williamson requested to pull item 3-2. Mayor Teixeira entertained additional requests of the Board and the citizens and, when none were forthcoming, a motion on the remainder of the consent agenda. Supervisor Livermore moved approval of the consent agenda which consists of four remaining items, two items from the Assessor, 3-1, one item from Parks and Recreation, 3-3, and one item from Development Services Engineering, 3-4, as presented. Supervisor Staub seconded the motion. Motion carried 5-0.**

3-1. ASSESSOR

3-1(A) ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF TAXES FOR PARCEL NUMBERS 010-651-24 (PUBLIC UTILITY EASEMENT), 010-651-25 (PORTION OF LEPIRE DRIVE P.U.E. DEDICATION) AND 010-652-01 (ETTA PLACE AND CASSIDY COURT RIGHT-OF-WAY DEDICATION) FROM THE 2007 / 08 REAL PROPERTY TAX ROLL PER NRS 361.060 AND NRS 361.484 IN THE AMOUNT OF \$6.30

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3-1(B) ACTION TO APPROVE THE PARTIAL REMOVAL (\$361.45) AND PARTIAL REFUND (\$89.45) OF THE TAXES FOR PARCEL NUMBER 010-281-33 (LOCATED AT 5587 CARSON RIVER ROAD) FROM THE 2007 / 08 REAL PROPERTY TAX ROLL PER NRS 361.050

3-2. PUBLIC WORKS - ACTION TO APPROVE A REQUEST BY THE COMMISSION FOR THE RECONSTRUCTION OF THE V&T RAILWAY FOR THE CITY TO PAY THE COSTS TO RELOCATE A WATER MAIN FOR THE PHASE 2C RAILROAD CONSTRUCTION PROJECT (8:35:42) - Supervisor Williamson inquired as to whether relocation of the water main will have any benefit to the water rate payers. Public Works Director Andrew Burnham explained the request by the V&T Railway Commission for the City to assist in relocation of the water main. He advised the relocation will not benefit the rate payers, but will benefit the City by assisting with the V&T project. He estimated the project cost at \$20,000. Consideration has been given to "whether we should have done this when we built the line initially, but hindsight is 20/20." Mr. Burnham advised that the water line will be placed in a steel tube underneath the railroad track.

Mayor Teixeira opened this item to comments from the Board and from the public. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to approve a request by the Commission for the Reconstruction of the V&T Railway for the City to pay the costs to relocate a water main for the phase 2C Railroad Construction Project, fiscal impact \$20,000. Supervisor Livermore seconded the motion.**

Mr. Burnham acknowledged that the railroad will extend across Highway 50 and that a terminal building will be constructed south of Highway 50. In response to a further question, he advised that the construction project is anticipated to go forward in June or July of 2008, and "we would want to be out ahead of that construction project."

(8:37:38) Commission for the Reconstruction of the V&T Railway Project Manager Ken Dorr, of Manhard Consulting, advised that phases 2A and 2B are currently under construction. Plans are being finalized for the next phase of the project, which will extend an additional 5.5 miles across Highway 50 and another mile past Highway 50 at the connection point with the old grade. Mr. Dorr expressed the hope that this phase will be bid by April 2008 and under construction in June or July of 2008. In response to a question, he advised of sufficient resources available to complete the next phase. There are "a couple key parcels that have to be acquired yet." Mr. Dorr acknowledged the availability of sufficient funding to extend the project across Highway 50, and that crossing the highway requires relocation of the water line. He further acknowledged that the water line relocation is not part of the final phase of the project. He explained that the water line "would have to be dealt with in the next phase of construction." He reminded the Board of the "significant Federal Highway Administration grant for the project." One of the requirements for the Nevada Department of Transportation, acting on behalf of the Federal Highway Administration, to authorize advertisement of the project is to certify that all utility relocations have been completed either prior to or concurrent with the project on a date certain. The subject water line relocation is one of numerous utility issues to be addressed as part of the project.

Mayor Teixeira advised that the V&T Railway Commission is also working with Sierra Pacific Power Company, which is factoring costs in such a way as to assist with the project. In response to a question, Mr. Dorr advised that 4.5 miles is presently under construction. Mayor Teixeira calculated that, with the

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next phase of the project, approximately 13 miles of the 18 mile project will have been constructed. He noted that a bridge will be in place by completion of the next phase of the project. Mr. Dorr advised of the possibility that bridge designs will be presented to the Board in February 2008. He noted the structure will be significant at the Carson City / Lyon County line as a gateway feature. In response to a question, Mr. Dorr advised that Lyon County is assisting the V&T Railway Commission from an engineering standpoint and with determining utility locations. There has been no specific request to Lyon County because design is not yet finalized. Mr. Dorr advised of three different locations "where we're hitting the Lyon County water system." He further advised that a request will be made to Lyon County. Supervisor Williamson noted that Carson City has been a "gigantic contributor" to this project. She suggested that "\$18 million from the county ... could be used to incorporate some of our utility costs." Mayor Teixeira called for additional comments and, when none were forthcoming, a vote on the pending motion. **Motion carried 4-1.**

3-3. PARKS AND RECREATION - ACTION TO APPOINT AND AUTHORIZE THE MAYOR, THE CITY CLERK RECORDER, OR DESIGNEE TO SWEAR JOHNSON & PERKINS (MS. CINDY FOGEL, REPRESENTATIVE) AS THE APPRAISER FOR CARSON CITY WITH REGARD TO THE SELF-CONTAINED APPRAISAL OF THE FOLLOWING PROPERTY IN CARSON CITY: BOYS AND GIRLS CLUBS OF WESTERN NEVADA, APPROXIMATELY 14.32 ACRES, APN 2-101-85

3-4. DEVELOPMENT SERVICES ENGINEERING - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE NOTICE OF COMPLETION OF IMPROVEMENT AGREEMENT BETWEEN CARSON CITY AND CARSON CITY HOTEL, LLC FOR DOLPHIN BAY APARTMENTS FOR PARCEL MAP, FORMERLY KNOWN AS ASSESSOR'S PARCEL NO. 008-053-31, LOCATED IN CARSON CITY, NEVADA; RECORDED NO. 307082 OF THE OFFICIAL RECORDS OF CARSON CITY, NEVADA, AND ADOPTED BY THE BOARD OF SUPERVISORS ON OCTOBER 3, 2003

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

4. CLERK-RECORDER - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.28, COMPENSATION FOR ELECTION BOARD OFFICERS, BY DELETING SECTION 2.28.010 IN ITS ENTIRETY AND REPLACING WITH "THE COMPENSATION AND CONDITIONS OF EMPLOYMENT FOR VOTING BOARD OFFICERS, COUNTING BOARD OFFICERS, THOSE EMPLOYED FOR THE PURPOSE OF CONDUCTING EARLY VOTING, SPECIALLY APPOINTED DEPUTY SHERIFFS, AND OTHER ELECTION BOARD OFFICERS SHALL BE FIXED BY RESOLUTION OF THE BOARD OF SUPERVISORS," AND OTHER MATTERS PROPERLY RELATED THERETO (8:42:48) - Mr. Glover provided background information on this item, and reviewed the agenda report. He advised of the intention to present the compensation schedule, which will be the same as it has been for the past four years, to the Board after the first of the year. He reviewed the positions and the corresponding wages / salaries, as follows: team leaders - \$150 per day; assistant team leaders - \$125 per day; precinct workers - \$100 per day; and early voting salaries at \$10.30 per hour.

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Mayor Teixeira opened this item to comments by the Board and the public. When none were forthcoming, he entertained a motion. Supervisor Livermore moved to introduce, on first reading, Bill No. 143, "An ordinance amending the Carson City Municipal Code, Title 2, Administration and Personnel, Chapter 2.28, Compensation for election board officers, by deleting Section 2.28.010 in its entirety and replacing with "The compensation and conditions of employment for voting board officers, counting board officers, those employed for the purpose of conducting early voting, specially appointed deputy sheriffs, and other election board officers shall be fixed by resolution of the Board of Supervisors," and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 5-0.

5. DEVELOPMENT SERVICES - BUILDING DIVISION - ACTION TO ADOPT BILL NO. 141, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 15, BUILDING AND CONSTRUCTION, CHAPTER 15.05, BUILDING CODE, BY REPEALING SECTION 15.05.010, ADOPTION OF INTERNATIONAL BUILDING CODE, APPENDICES AND AMENDMENTS, AND ADDING SECTION 15.05.020, ADOPTION AND ADMINISTRATION OF BUILDING AND CONSTRUCTION CODES, WHICH ADOPTS THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE, UNIFORM PLUMBING CODE, INTERNATIONAL RESIDENTIAL CODE, UNIFORM MECHANICAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND INTERNATIONAL EXISTING BUILDING CODE, THE 2005 VERSION OF THE NATIONAL ELECTRIC CODE AND THE 2007 NORTHERN NEVADA AMENDMENTS, AND ADDS VARIOUS PROVISIONS FOR THE ADMINISTRATION OF THE ADOPTED CODES AND REPEALING CHAPTER 15.06, RESIDENTIAL CODE, CHAPTER 15.07, EXISTING BUILDING CODE, CHAPTER 15.09, PLUMBING CODE, CHAPTER 15.13, NATIONAL ELECTRICAL CODE, CHAPTER 15.14, INTERNATIONAL CODE COUNCIL ELECTRICAL CODE, CHAPTER 15.16, MECHANICAL CODE, AND CHAPTER 15.30, APPEALS, AND OTHER MATTERS PROPERLY RELATED THERETO (8:45:33) Chief Building Official Kevin Gattis provided an overview of the agenda report. He advised of having received no comments, either in favor of or in opposition to the proposed ordinance, and no requests for revision.

Mayor Teixeira opened this item to comments by the public and by the Board. When none were forthcoming, he entertained a motion. Supervisor Aldean moved to adopt Bill No. 141, on second reading, Ordinance No. 2007-42, an ordinance amending the Carson City Municipal Code, Title 15, Building and Construction, in accordance with the agenda as posted and published. Supervisor Livermore seconded the motion. Motion carried 5-0.

6. FIRE - ACTION TO ADOPT, ON SECOND READING, BILL NO. 142, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 14, FIRE, CHAPTER 14.01, GENERAL PROVISIONS, BY AMENDING SECTION 14.01.025, FALSE ALARMS, TO INCREASE THE SERVICE CHARGE FOR FALSE ALARMS FROM \$150 PER OCCURRENCE AFTER THE FIRST OCCURRENCE TO \$300 PER OCCURRENCE AFTER THE THIRD OCCURRENCE, DELETING SECTION 14.01.030, HAZARD ABATEMENT, AND ADDING IT INTO THE NEW CHAPTER 14.05, AMENDING CHAPTER 14.02, INTERNATIONAL FIRE CODE, BY ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND MAKING VARIOUS AMENDMENTS TO THE CODE, AMENDING CHAPTER 14.04, WILDLAND INTERFACE, BY CHANGING THE DEFINITION OF WILDLAND URBAN

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INTERFACE AND AMENDING THE PROVISIONS REGARDING WATER SUPPLY AND FIRE SPRINKLER SYSTEMS, ADDING CHAPTER 14.05, HAZARD ABATEMENT, BY PLACING RESPONSIBILITY FOR HAZARD ABATEMENT ON THE PROPERTY OWNER AND OUTLINING THE PROCEDURE TO BE FOLLOWED FOR HAZARD ABATEMENT, AND OTHER MATTERS PROPERLY RELATED THERETO (8:46:34) - Fire Chief Stacey Giomi introduced this item. He advised of having consulted with a Carson Area Chamber of Commerce representative regarding the charge for false alarms, at Supervisor Livermore's request. The Chamber of Commerce representative consulted with Chamber of Commerce members and reported back to Chief Giomi having received no negative comments. Chief Giomi advised of having received no other comments either in favor of or in opposition to the proposed ordinance.

Mayor Teixeira opened this item to comment from the public and from the Board. When none was forthcoming, he entertained a motion. Supervisor Livermore moved to adopt, on second reading, Bill No. 142, Ordinance No. 2007-43, amending Carson City Municipal Code, Title 14, Fire, Chapter 14.01, General Provisions, by amending Section 14.01.025, false alarms, to increase the service charge for false alarms from \$150 per occurrence after the first occurrence to \$300 per occurrence after the third occurrence, deleting Section 14.01.030, hazard abatement, and adding it into the new Chapter 14.05, amending Chapter 14.02, International Fire Code, by adopting the 2006 International Fire Code and making various amendments to the code, amending Chapter 14.04, Wildland Interface, by changing the definition of wildland urban interface and amending the provisions regarding water supply and fire sprinkler systems, adding Chapter 14.05, Hazard Abatement, by placing responsibility for hazard abatement on the property owner and outlining the procedure to be followed for hazard abatement, and other matters properly related thereto. Supervisor Staub seconded the motion. Motion carried 5-0.

7. DEVELOPMENT SERVICES - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE REPEALING ORDINANCE NO. 2007-30, BILL NO. 129, AND AMENDING TITLE 17, SUBDIVISION, CHAPTER 17.03, PARCEL MAPS, LOT LINE ADJUSTMENTS AND DELETIONS, REVERSION TO ACREAGE MAPS, AND MERGER AND RESUBDIVISION OF LAND, SECTION 17.03.010, APPLICATION AND REVIEW, SECTION 17.03.015, APPLICATION AND REVIEW, SECTION 17.03.020, APPLICATION AND REVIEW, SECTION 17.03.025, REVERSION TO ACREAGE MAPS, AND SECTION 17.03.030, MERGER AND RESUBDIVISION MAPS; CHAPTER 17.04, LAND DIVISION MAPS, SECTION 17.04.005, APPLICATION AND REVIEW; CHAPTER 17.05, TENTATIVE MAPS, SECTION 17.05.005, APPLICATION PROCESS, AND SECTION 17.05.025, FEES AND SERVICE CHARGES; CHAPTER 17.06, SUBDIVISION FINAL MAPS, SECTION 17.06.005, MAP SUBMITTAL FOR APPROVAL; CHAPTER 17.09, PLANNED UNIT DEVELOPMENT, SECTION 17.09.040, APPLICATION FOR TENTATIVE APPROVAL; CHAPTER 17.11, IMPROVEMENT AND PROCEDURE, SECTION 17.11.05, INSPECTION FEE, BY DELETING ANY REFERENCE TO FEES BEING SET BY RESOLUTION OF THE BOARD OF SUPERVISORS AND AMENDING SECTION 17.11.035, DEVELOPMENT FILING AND CHECKING FEES, BY ADDING REFERENCES TO TITLE 18, ZONING, AND TITLE 18, APPENDIX - DEVELOPMENT STANDARDS FOR FEES TO BE CHARGED BY THE CITY, AND OTHER MATTERS PROPERLY RELATED THERETO (8:49:20) - City Engineer Larry Werner introduced and provided background information on this item. He explained that the subject ordinance will repeal the original ordinance and re-adopt its elements "put in the proper sections." He advised there were no changes or

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additions to any of the content of the original ordinance. In response to a question regarding Section VI, 17.03.030(5), he advised there are two sections and that the fees charged are the same. At Supervisor Aldean's request, he agreed to check into whether the reference to "map of reversion" was in the proper section and to correct the language if it is found to be improper.

Mayor Teixeira entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 144, an ordinance repealing Ordinance No. 2007-30, Bill No. 129, and amending Title 17, Subdivision, Chapter 17.03, Parcel Maps, Lot Line Adjustments and Deletions, Reversion to Acreage Maps, and Merger and Resubdivision of Land, Section 17.03.010, Application and Review, Section 17.03.015, Application and Review, Section 17.03.020, Application and Review, Section 17.03.025, Reversion to Acreage Maps, and Section 17.03.030, Merger and Resubdivision Maps; Chapter 17.04, Land Division Maps, Section 17.04.005, Application and Review; Chapter 17.05, Tentative Maps, Section 17.05.005, Application Process, and Section 17.05.025, Fees and Service Charges; Chapter 17.06, Subdivision Final Maps, Section 17.06.005, Map Submittal for Approval; Chapter 17.09, Planned Unit Development, Section 17.09.040, Application for Tentative Approval; Chapter 17.11, Improvement and Procedure, Section 17.11.035, Inspection Fee, by deleting any reference to fees being set by resolution of the Board of Supervisors, and amending Section 17.11.035, Development Filing and Checking Fees, by adding references to Title 18, Zoning, and Title 18, Appendix - Development Standards, for fees to be charged by the City, and other matters properly related thereto. Supervisor Livermore seconded the motion. Motion carried 5-0.**

8. DEVELOPMENT SERVICES - PLANNING AND ZONING

8(A) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, EXEMPTIONS, MODIFYING THE PROVISIONS FOR OPEN HOUSE SIGNS BY ADDING REGULATIONS TO ALLOW OFF-PREMISE "OPEN HOUSE" SIGNS WITH CERTAIN LIMITATIONS, AND OTHER MATTERS PROPERLY RELATED THERETO (8:53:55) - Planning Division Director Walter Sullivan introduced this item, and advised it had been unanimously approved by the Planning Commission for recommendation to the Board of Supervisors. Mr. Sullivan advised that the ordinance is the result of work between Planning Division staff and the Sierra Nevada Association of Realtors (the "Realtors") for the past "couple summers ... on their open house signs." He distributed, to the Board members and staff, a fax from Sierra Nevada Association of Realtors Immediate Past President Brad Bonkowski. He reviewed the provisions of the ordinance, copies of which were included in the agenda materials. In reference to Mr. Bonkowski's request to revise the language of Section 4.4.7(m)(5)(d) to indicate "additional" signs, Mr. Sullivan expressed a preference to specify a certain number. In response to a question, he explained that the lack of regulation had prompted the process to develop the proposed ordinance. He acknowledged the preference to state a specific number of open house signs.

Mayor Teixeira called for public comment. (8:56:58) Mr. Bonkowski introduced himself for the record. In response to a question, he advised that the new Sierra Nevada Association of Realtors President is Bill Driscoll. Mr. Bonkowski distributed, to the Board members and staff, proposed language addressing the requested revision of Section 4.4.7(m)(5)(d), and read the same into the record. He explained the purpose of the language for Mr. Sullivan or his designee to approve additional signs. He requested to use the word "additional" because, in many instances in Carson City in the outlying areas, there may be more than two, three, four, five, turns, intersections that we may need signs at to direct people to the open house." He

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agreed to a reasonable number of signs, but expressed the opinion "it needs to be taken on a case-by-case basis and it gives full authority for the approval of the number of signs to the director or his designee." In response to a question, he advised that the Realtors had been working with Planning Division staff since May of 2007. He further advised that the Realtors have promised to "self-police." "... in all instances, where there have been complaints, we have ... gone out and self-policed, either had the signs picked up or called the agent to rectify placement of the signs." Mayor Teixeira agreed to take Mr. Bonkowski and his industry representatives at his word.

In response to a question, Mr. Bonkowski reviewed the requested revision to Section 4.4.7(m)(4) "to delete from the second line 'excluding any street frontage that is located along a rear property line.'" He explained that the language was added by the Planning Commission, and was not part of the trial policy process. He expressed a willingness to discuss the proposed provision pertaining to "for sale" signs with Planning Division staff. Supervisor Aldean advised of having spoken with Realtor Stephen Lincoln regarding the requested revisions. She expressed the opinion that the proposed revisions are reasonable "especially in today's housing market." She disclosed she is a member of the Board of Realtors, and described it as a responsible organization with agents who are conscientious about abiding by the law. "Unless it becomes a nuisance in the future ...," she supported the requested revisions.

In response to a question, Mr. Sullivan advised of having discussed the proposed revisions with Mr. Bonkowski and Mr. Lincoln. He further advised that Planning Division staff and members of the Realtors have worked very well together. He confirmed Mr. Bonkowski's statements that the Realtors have policed themselves. He responded to questions regarding the method by which complaints are lodged and addressed. Supervisor Livermore pointed out that the number of open house signs around the community are not nearly as numerous as the garage sale signs. He commended the Board of Realtors as a "very reputable part of this community" which serves a valuable function. Mr. Sullivan reiterated that staff worked with the Realtors to develop the regulations. He expressed appreciation for Mr. Bonkowski presenting the proposed revisions. He advised that Title 18 provides for the Planning Division Director to name a designee in the event of his absence.

Mr. Sullivan provided background information on Mr. Bonkowski's requested revision to Section 4.4.7(m)(4) involving "for sale" signs posted on the rear yard fences of properties which back up to major arterials. He explained that the language was added to the proposed ordinance by a Planning Commissioner. He advised that Mr. Bonkowski and Mr. Lincoln had expressed opposition to the provision at the two public hearings held on the subject item.

Mayor Teixeira called for additional public comment and, when none was forthcoming, entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 145, an ordinance amending Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, modifying the provision for open house signs by adding regulations to allow off-premise open house signs with certain limitations, and other matters properly related thereto, subject to the changes requested by the Board of Realtors. Supervisor Livermore seconded the motion. Motion carried 5-0.**

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8(B) ACTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM THE CARSON CITY PARKS AND RECREATION DEPARTMENT / OPEN SPACE DIVISION (PROPERTY OWNER: CARSON CITY) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION OF APN 010-071-25, APPROXIMATELY 86 ACRES, LOCATED EAST OF CARSON RIVER ROAD, A PORTION OF PROPERTY FORMERLY KNOWN AS BUZZY'S RANCH, FROM LOW DENSITY RESIDENTIAL AND RURAL RESIDENTIAL TO OPEN SPACE (9:06:55) - Mr. Sullivan introduced this item and reviewed the agenda report. He advised that the Planning Commission had unanimously recommended approval of this item to the Board. He further advised that the Board's approval of this item will bring the property designation into conformance with the comprehensive master plan.

(9:07:52) Parks and Recreation Department Director Roger Moellendorf advised that approval of this item recognizes the City's purchase of the property. Redesignation of the property would be changed from low density residential to open space. Mr. Moellendorf acknowledged the subject master plan land use designation would only be applicable to the 86 acres.

Mayor Teixeira called for public comment and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to approve a master plan amendment application from the Carson City Parks and Recreation Department / Open Space Division, property owner Carson City, to change the master plan land use designation of APN 010-071-25, approximately 86 acres, located east of Carson River Road, a portion of property formerly known as Buzzy's Ranch, from low density residential and rural residential to open space. Supervisor Staub seconded the motion. Motion carried 5-0.**

8(C) ACTION TO ACCEPT THE CARSON CITY MASTER PLAN ANNUAL REPORT AND RECOMMENDATIONS FROM THE PLANNING COMMISSION REGARDING IMPLEMENTATION OF THE GOALS AND POLICIES OF THE MASTER PLAN, AND OTHER MATTERS PROPERLY RELATED THERETO (9:10:10) - Mr. Sullivan introduced and provided background information on this item. Principal Planner Lee Plemel provided an overview of the staff report and the attached Action Plan Matrix.

In reference to Strategy / Action 3.2d to establish sign controls for the Carson City freeway corridor, Supervisor Aldean advised of having participated in meetings with Mr. Plemel, members of the Chamber of Commerce, and members of the business community. A determination was made, at that time, to address freeway corridor signage by special use permit. Supervisor Aldean inquired as to the intent of Strategy / Action 3.2d. Mr. Plemel advised that the aforementioned meetings were held in late 2006 / early 2007 with the intent of considering what would be submitted "in the way of special use permits." Over the past year, staff has "seen what we're going to be faced with in making decisions for signs." He suggested that regulations can now be developed with all the information gathered.

Mayor Teixeira called for additional comments from the Board members and comments from the public. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to accept the Carson City Master Plan Annual Report and recommendations from the Planning Commission regarding implementation of the goals and policies of the master plan, and other matters properly related thereto. Supervisor Livermore seconded the motion. Motion carried 5-0.**

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8(D) ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO REDUCE THE REQUESTED SIGN HEIGHT FOR A FREESTANDING SHOPPING CENTER SIGN FROM 65.5 FEET TO 45 FEET, AS PART OF AN APPROVAL OF SPECIAL USE PERMIT SUP-07-161, TO ALLOW A THIRD FREESTANDING SHOPPING CENTER SIGN WITHIN THE NORTH CARSON CROSSING SHOPPING CENTER NEAR THE FUTURE HOME DEPOT STORE ADJACENT TO THE FREEWAY, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED ON MARKET STREET ON THE SOUTH SIDE OF COLLEGE PARKWAY, APN 002-755-161 (9:17:17) - Mr. Sullivan requested the Board to take action to continue this item. Supervisor Aldean moved to continue this item to the January 3rd meeting of the Board of Supervisors at 1:30 p.m., time certain. Supervisor Livermore seconded the motion. Motion carried 5-0.

8(E) ACTION TO CONSIDER AN EXTENSION OF ONE YEAR FOR THE TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION AND A SPECIAL USE PERMIT APPLICATION, KNOWN AS EAGLE VILLAGE CONDOMINIUM PROJECT, FROM WESTERN ENGINEERING (PROPERTY OWNERS: MICHAEL AND JUDITH BRAY AND JONATHAN AND SUSAN WARREN), TO DEVELOP 36 MULTI-FAMILY RESIDENTIAL DWELLING UNITS (CONDOMINIUMS) ON 3.66 ACRES NORTH OF EAGLE STATION LANE, APN 009-123-32, BASED ON THE STAFF REPORT FINDINGS AND SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL AS CONTAINED IN THE STAFF REPORT; FILE TPUD-05-191 AND SUP-05-192 (9:17:43) - Mr. Sullivan introduced this item, and reviewed the agenda report. In response to a question, he advised that the 6-1 Planning Commission vote had to do with the subdivision, not the request for extension of time.

Mayor Teixeira called for public comment and, when none was forthcoming, comments from the Board members. Supervisor Aldean discussed the importance of de-annexing the subject property from the CC&Rs that control property between Clearview Drive and Koontz Lane. She expressed concern over 36 residential property owners being able to prevent future amendments to the CC&Rs which largely control commercial development in the area. She encouraged Business Development Manager Joe McCarthy to continue to work diligently to de-annex the property prior to individual lots being sold. In addition, she noted that the applicant had agreed to abolish the architectural review committee. She expressed support for the extension of time "predicated upon us getting that done." She expressed concern over the potential for friction between future residential property owners and commercial interests in the area. In response to a question, Mr. Sullivan advised that Supervisor Aldean's request was connected with submission of the final map. He committed to working to resolve Supervisor Aldean's concerns, but "really they won't start addressing it until they bring in the final map and they're not ready to bring in the final map at this stage." He acknowledged that exterior design of the PUD had been changed once before. He explained that the applicant is experiencing difficulties in securing financing for the project. The subject extension is the last which can be granted to the project.

Mayor Teixeira entertained a motion. **Supervisor Aldean moved to approve an extension of one year for the tentative planned unit development application known as Eagle Village Condominium Project, from Western Engineering, property owners Michael and Judith Bray and Jonathan and Susan Warren, to develop 36 multi-family residential dwelling units / condominiums on 3.66 acres**

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north of Eagle Station Lane, APN 009-123-32, based on the staff report findings and subject to the recommended conditions of approval, as contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 5-0.

Supervisor Aldean moved to approve an extension of one year for SUP-05-192 to allow a residential development known as Eagle Village Condominium Project, from Western Engineering, property owners Michael and Judith Bray and Jonathan and Susan Warren, to develop 36 multi-family residential dwelling units / condominiums on 3.66 acres north of Eagle Station Lane, APN 009-123-32, based on the staff report findings and subject to the recommended conditions of approval, as contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Teixeira recessed the meeting at 9:23 a.m. and reconvened at 9:32 a.m.

9. DISTRICT ATTORNEY

9(A) DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN CARSON CITY NUGGET, INC., CARSON NUGGET, INC., AND CARSON CITY REGARDING ABANDONMENT OF STREETS (9:32:44) - Ms. Bruketta provided background information on this item, and reviewed the agenda report and the settlement agreement, copies of which were included in the agenda materials. Supervisor Aldean commented on the heated negotiations associated with development of the settlement agreement. The negotiating committee was comprised of Supervisor Williamson, Mr. Burnham, Mr. McCarthy, and herself. The attempt was to develop a fair resolution, consistent with previous resolutions, which she reviewed. Supervisor Aldean noted that, in the Capital City Entertainment case, the principal was returned to Mr. Russell but the negotiating committee convinced him "that the interest that had allegedly accrued should be applied against public improvements for the benefit of everyone in Carson City." The negotiating committee attempted to follow the same template in resolution of the subject suit. Supervisor Aldean described the settlement as imperfect, but suggested "it's one that we can certainly live with." The negotiating committee consulted with Mr. Burnham and his staff to ensure that the commitment to undertake certain public improvements is accomplishable within the time lines specified in the settlement agreement. Public Works staff is confident the improvements can be completed within the specified time frames.

Supervisor Staub inquired as to whether a budget had been developed, the funding source, whether anyone has "rolled up the interest charges" stated in paragraph 10 which accrue on the total amount due from today, and how that interest factor is calculated into the ultimate obligation to the City should the street improvements, hotel conference room improvements, and turn signal improvements fail to be completed. He inquired as to the possibility of an outstanding claim for accrued interest if the amount the City expends is less than the accrued interest amount at the time of construction of the improvements. He expressed concern over the interest rate provisions of paragraph 10. He inquired as to the reason interest begins to accrue from today rather than the "triggering point" of a party's failure to perform in a timely manner. He expressed concern over the potential for the Nugget to be unjustly enriched because of failing to submit plans for the improvements until the last day. Supervisor Aldean advised that, in the event the Nugget fails to submit plans prior to December 31, 2008 to build the hotel conference center and parking garage, the City will commence its improvements in and around the Carson Nugget. "There is a drop dead date. If they don't perform, then we pursue additional public improvements in and around the Nugget." Supervisor Staub expressed concern over a period of time, controlled solely by the Nugget, in which interest might

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accrue. Supervisor Aldean advised of having established a template in resolving the street abandonment cases that involve the allocation of City resources to public improvement projects. The City can undertake the public improvement projects and potentially reduce the amount of investment.

(9:40:36) Attorney Joan Wright, representing the Nugget, advised of having been involved in the settlement negotiations from the beginning. She expressed understanding for Supervisor Staub's concern, but advised there are a number of contingencies to be met before the interest payment would ever be imposed. Nugget representatives worked with City staff to establish dates that will be very possible to meet before any interest charge would be imposed. Ms. Wright expressed confidence that the City can meet the deadlines "in the event that no hotel / casino project comes forward and that you'd be operating under that provision." She described the provision as a "contingency on a contingency." She advised that Nugget representatives are very hopeful that a project will be presented by the end of next year "so that you will be operating under the first paragraph and none of those interest paragraphs will come into play." She explained "if that doesn't happen, then you start looking at the various projects and the dates that staff has set, and ... you're only earning interest on the portion that was assigned to that particular project."

Supervisor Staub expressed understanding for Ms. Wright's explanation, but discussed the requirement to consider the settlement agreement "in a worst case scenario to the citizens of Carson City." He expressed concern over the possibility of things going awry. He requested to include language that if the improvements are made, the interest is waived. Ms. Wright advised this was the language of the settlement agreement. "If the improvements are made timely, interest is waived. It's only if the improvement isn't made by the date that you have told us you can get them done by that interest would accrue." In response to a question, Ms. Wright reviewed the provisions of paragraphs 8 and 9 of the settlement agreement. She reiterated that the improvement completion dates were established by City staff. Ms. Bruketta suggested adding a sentence to paragraph 10, as follows: "If the improvements are completed, the interest is waived." Ms. Wright explained that the negotiations were specific to the improvements being completed by a specific date. "We can't give up our right to the interest with an open-ended time in which to have the improvements done." In response to an earlier suggestion, Ms. Wright expressed a preference for simply having the interest paid. "But if we're going to have it go to the community and we're going to allow the community to benefit from the fact that we're entitled to interest, then we want the community to get that benefit sooner not later. And if they don't get that benefit sooner, on a date you all said you could meet, then we want the money. Then we can use it in a way that benefits the community."

Supervisor Staub suggested adding language that "if improvements are completed, as provided herein, the interest is waived." Ms. Wright reiterated the settlement agreement so states. In response to a question, she suggested reading paragraphs 8 and 9 together with paragraph 10. In response to a suggestion, she requested Supervisor Aldean to provide proposed language. Supervisor Aldean suggested, and discussion clarified, adding the following sentence to the end of paragraph 10: "If the improvements are completed by the dates required herein, all interest under paragraphs 8 and 9, respectively, would be waived." Ms. Wright agreed to the amendment. Supervisor Aldean pointed out and reviewed the force majeure clause at paragraph 22 of the agreement.

Ms. Bruketta advised that the City has agreed to conduct a feasibility study for downtown Carson City at a cost of \$50,000. If the study exceeds \$50,000, the Nugget has agreed to reduce their interest amount by the cost of the additional amount toward the feasibility study not to exceed \$50,000. In response to a question, she advised that a feasibility study is agreed to in the settlement agreement. Ms. Wright advised

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that if the City doesn't perform, the court would have continuing jurisdiction and the Nugget would submit a motion to show cause. In response to a question, Supervisor Aldean advised that the funding sources have been designated as the insurance and redevelopment funds. She advised of the intent to move forward with the feasibility study and subsequent analysis not just for purposes of assisting the Nugget to redevelop their property. The feasibility study will encompass the entire downtown although it will be jointly owned by the Nugget and the City. Supervisor Aldean acknowledged the commitment to conduct the feasibility study in lieu of a demand by the Nugget for additional cash settlement. The negotiating team considered more public benefit associated with completing the analysis than giving the Nugget an additional \$100,000 cash. Ms. Wright acknowledged that the study would be a public document. The Nugget is simply requesting an ownership interest in the study.

Supervisor Williamson complimented Ms. Bruketta and Supervisor Aldean on their stalwart efforts to work out a compromise. She expressed the belief that the agreement acknowledges settlement of a past problem but also indicates a willingness to work with the Nugget in the future through the feasibility study and downtown improvements. She noted the importance of the City and the Nugget partnering "in any kind of success in the downtown."

Supervisor Staub inquired as to the allocation of funding. Ms. Ritter advised of certain street improvements already included in the Regional Transportation Commission's plans. The cost of the feasibility study would be allocated from the redevelopment authority. The principal amount would be allocated from the insurance fund. Ms. Ritter acknowledged a sufficient balance in the insurance fund. Supervisor Staub requested, and Ms. Ritter agreed to provide, a written break down of the funding allocations. Supervisor Livermore provided historic information on the lawsuit and the subject settlement. He advised of having heard many comments and inquiries, from citizens and other elected officials, with regard to how the settlement would be funded. He expressed the opinion that disclosure of the funding sources is as important as the settlement.

Mayor Teixeira called for public comment; however, none was forthcoming. Ms. Wright requested to delete the last sentence of paragraph nine as its addition "was not discussed." In response to a question, she provided background information on negotiations regarding paragraph 9. She expressed dismay over the addition of the language. She expressed a willingness to "go along with the warrants language with the addition that Ms. Bruketta added last night, but you also added a sentence that said, 'If the traffic signal doesn't get built, then we don't get the money.' Where every other paragraph, if the project isn't done, we got the value of the project." In response to a comment, Ms. Wright advised that the traffic signal will only be required "within three years of getting the street back under your NDOT agreements. So your time period doesn't even start to run until you get Carson Street back from NDOT." Ms. Wright acknowledged the possibility that Carson Street will not revert to City ownership for some time "which is why we triggered it to when you got it." In response to a question, Ms. Wright stated that if Carson Street is never turned back to City ownership, "the time period will never have started." She acknowledged that until Carson Street reverts to City ownership, the time period has no bearing. She advised that if the City manipulates return of the street "in order to avoid this provision, you'll be hearing from me." In response to a comment, Ms. Wright pointed out the City's agreement with NDOT states that Carson Street will be returned to the City once the bypass is opened. Mayor Teixeira noted the many agreements between the City and NDOT which have never been fulfilled. Ms. Wright acknowledged "that's always the problem

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with this kind of settlement.” She further acknowledged the possibility of taking the matter to court, and noted the likelihood that the \$900,000 plus interest would be awarded. She further noted the compromise on the interest amount.

Mayor Teixeira discussed the history of the subject item, and noted the importance of consistency. Ms. Wright acknowledged that the City will “do a project with the Nugget that is in the public’s best interest” as defined in the agreement. Ms. Wright further acknowledged the money is still owed if the warrant studies indicate no need for the signalization, as provided for in the agreement. Ms. Bruketta advised that the traffic signal will not cost \$139,000. “That includes improvements in addition to the traffic signal.” Ms. Wright suggested breaking this out into a “sidewalk paragraph” and a “light paragraph.” In response to a comment, Ms. Wright noted that the warrants will only be done for the signal. “We’re going to meet and see if we can come to a compromise. If we can’t, we’re going to get a study and we’re going to presume that study is going to show that we do need the signal. And you’ll do it. And if it says we don’t need the signal, you’re going to pay us the signal money.” Ms. Bruketta advised that the Board will need to decide to agree to pay for the signals if they aren’t installed “but it wouldn’t be \$139,000.”

Supervisor Williamson advised of having had a copy of the settlement agreement since last Friday. In response to a question, Mayor Teixeira advised that a decision did not have to be made at this meeting. Supervisor Williamson noted there hadn’t been drastic changes to the agreement “since we got a verbal okay two weeks ago ...” She suggested revising the agreement outside the public meeting process. Ms. Wright agreed to postpone action on the agreement. Mayor Teixeira entertained a motion. **Supervisor Aldean moved to postpone this item until the settlement committee has opportunity meet with the plaintiff and discuss the most recent recommended changes, and to get some clarification on some funding items. Supervisor Williamson seconded the motion.** Ms. Wright acknowledged the clock is still running on the interest. Supervisor Aldean advised that the Carson City District Attorney’s Office is not entirely certain that there isn’t a statute of limitations issue. She noted that the settlement agreement represents a good faith attempt to resolve issues outside of a courtroom. She expressed the hope that, aside from the few minor changes discussed at this meeting, the settlement agreement will not disintegrate between now and the time it is brought back before the Board with the requested clarifications. Ms. Wright advised that this subject case does not have a statute of limitations problem. “It’s whether interest accrual would be charged for the whole period of time rather than just from the filing of the complaint.” Mayor Teixeira called for a vote on the pending motion. **Motion carried 5-0.**

9(B) POSSIBLE ACTION TO DECLARE THE SEASONS LIMITED PARTNERSHIP IN BREACH OF THE GROUND LEASE BETWEEN CARSON CITY AND THE SEASONS LIMITED PARTNERSHIP FOR A PORTION OF APN 002-121-09 IN CARSON CITY, NEVADA FOR FAILURE TO PAY PROPERTY TAXES, AS REQUIRED PURSUANT TO THE TERMS OF THE LEASE, AND TO AUTHORIZE STAFF TO SEND A NOTICE OF DEFAULT TO THE SEASONS LIMITED PARTNERSHIP - Deferred.

10. PUBLIC WORKS - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN IMPROVEMENT AGREEMENT BETWEEN VIDLER WATER COMPANY, INC. AND CARSON CITY FOR THE CONSTRUCTION OF A WELL AND INFRASTRUCTURE TO PROVIDE WATER TO CARSON CITY AND LYON COUNTY (10:03:49) - Public Works Operations Manager Ken Arnold corrected the agenda report in that it should read “construction of wells and infrastructure to provide water to Carson City and Lyon County.” He requested the Board to take formal

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action by way of a motion rather than a resolution. He referred to the Improvement Agreement included in the agenda materials, and noted its familiarity. He further noted that the well, the infrastructure, and the water will not cost the community anything. He explained that Vidler Water Company has purchased surface water rights in Carson City. The City will also benefit by receiving 50 acre feet of water on an annual basis during the peak time of the irrigation season. In response to a question, he estimated the cost of 50 acre feet of water at \$1 million to \$1.5 million. The well and the infrastructure would be an additional cost. In response to a further question, Mr. Arnold advised the well will be dedicated to the City at absolutely no cost to the City. He explained that the "remainder of the water" will be transported to Lyon County. Public Works officials are working on an agreement with Lyon County officials to "come up with those charges and the method of charging for delivering water both directions that will be mutually beneficial." The project will provide more flexibility and better water management for the entire region.

In response to a question regarding the possibility of well failure or contamination, Mr. Arnold read a portion of paragraph 3.03 of the agreement into the record. Supervisor Aldean expressed concern that Carson City would not be responsible for providing 4,950 acre feet of water to Lyon County "out of other sources." Mr. Arnold explained provisions within the agreement between Lyon County and Carson City to perform repairs in a timely manner according to industry standards. He acknowledged interconnections with the City's water system. "That could be water from other sources but it can't exceed the amount that's capable from that well." Mr. Arnold acknowledged the details would be further refined in the agreement with Lyon County. In response to a further question, he advised that the well will not intercept seepage from the Brunswick Reservoir. Mr. Arnold acknowledged the water rights are surface and not ground water, and that they are subject to the Alpine Decree. In response to a question, he expressed the hope to come to an agreed upon price that covers the cost to deliver both directions. "Ideally, that cost would be the same." Mr. Arnold acknowledged that a separate agreement will be presented to the Board of Supervisors at a future meeting.

(10:12:10) Bruce Kittess provided background information on previous objections to the subject project. He advised of having read his written comments to his associate, Lou DeBottari, who was unable to attend the meeting but concurred with the same. He acknowledged having e-mailed his comments to the Board, after first having provided them for review by Mr. Arnold. He thanked Mr. Arnold, Mr. Burnham, and Supervisor Livermore. He expressed the opinion that water rates shouldn't be increased. He suggested "a whole lot of people don't really appreciate what goes into delivering water." He read his written comments into the record, a copy of which was provided to the recording secretary and made part of the permanent record.

Mayor Teixeira called for additional public comment. (10:16:20) Attorney Steve Hartman, representing Vidler Water Company, explained that the City will eventually own the wells. All standards and specifications for drilling the wells will be done in conjunction with Carson City. The provisions of the agreement will allow the City to "pull water from any place ... not just limited to that well." Mr. Hartman advised that the next step will be the agreement between Carson City and Lyon County that will "deal with the actual costs." If one of the wells becomes contaminated, the treatment of that well is "one of the costs that goes into the equation for Carson. And when Lyon water comes back the other way, it's one of their cost items as well." When the Board reviews the next agreement, "you're going to see those composites on both sides of the line dealing with their costs; not capital costs of the water because that'll be handled by the development community, but the treatment costs and the delivery, power, all that, will be in those equations." In response to a question, Mr. Hartman explained that the infiltration well will actually pull

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a surface water source from the River. "It's been done before ... and it's been good for the community. It's used elsewhere along the River." The River has that volume of water "but you can't put all the wells in one place. There's a lot of science that goes into the location of those wells because you don't want to have an effect upon another well." Well location will always be done in conjunction with Carson City and the City will make that determination. In response to a further question, Mr. Hartman explained the 5,000 acre feet of water is made up of an accumulation of water rights. "You'll see wells in multiple locations. There may be wells in Lyon County. This is just for the first two wells and they'll have whatever capacity they have. ... The 5,000 acre feet is in the line capacity." In response to a further question, Mr. Hartman advised that the Brunswick Reservoir is geographically far removed from the proposed infiltration well. Supervisor Staub expressed concern that Carson City is not obligated to use its potentially limited capability to provide water to Lyon County. Mr. Hartman advised that Dorothy Timian-Palmer had ensured, many years ago, that Carson City "had wet water." He further advised that Vidler Water Company doesn't deal in "paper water." The capacity will be known once the well is proven. "Until it's there and proven, it doesn't get into the system." Mr. Hartman advised that Vidler Water Company is currently banking certain water rights with Lyon County "including these because Carson didn't want to be the bank." He suggested this may be a point for future reconsideration "...because we think there's value ... in that."

Mayor Teixeira called for additional questions from the Board and comments from the public. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to approve and authorize the Mayor to sign an improvement agreement between Vidler Water Company, Inc. and Carson City for the construction of a well and infrastructure to provide water to Carson City and Lyon County. Supervisor Staub seconded the motion. Motion carried 5-0.**

11. CITY MANAGER

11(A) ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND COMMUNITY COUNSELING CENTER FOR THE RATIFICATION BY CARSON CITY OF THE PAYMENT OF A DEBT OWED BY COMMUNITY COUNSELING CENTER AND AGREEMENT BY COMMUNITY COUNSELING CENTER TO PAY THE MONEY TO CARSON CITY (10:23:18) - Mayor Teixeira called for a representative of the Community Counseling Center; however, none was present. Ms. Ritter noted letters from Judge Tatro and Mary Bryan included in the agenda materials. In response to a question, she advised that interest was included in the agreement "just to keep the City whole through that transaction." Five percent represents the average through the local government investment pool. Ms. Ritter advised that payment of the interest "seems to be the issue" with Mary Bryan and the Community Counseling Center. In response to a question, she advised that charging interest is at the discretion of the Board. Supervisor Aldean inquired as to the interest charged by the institutional lender. Ms. Ritter advised the loan was with Bank of America but didn't know the interest rate. Supervisor Aldean suggested the interest rate was likely in excess of five percent.

Ms. Ritter advised that this matter had come to her attention as part of the audit. She reviewed the agenda report. In response to a question, she advised that her notes indicate no discussion of interest charges. Ms. Bryan has indicated the loan offer was made without interest. Ms. Ritter reiterated that the interest charge would be at the discretion of the Board. Supervisor Aldean inquired as to whether the interest would be retroactive to August 2006, and discussion took place regarding the amortization schedule attached to the repayment agreement included in the agenda materials.

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Mayor Teixeira advised of having been present at the meeting between Ms. Bryan and City representatives over a year ago. He recalled the offer to pay off the loan, but could not recall any discussion regarding interest. He suggested deferring to the recollections of Judge Tatro and Ms. Bryan. In response to a question, Ms. Ritter reviewed her notes from the meeting, and reiterated there was no indication of a discussion of interest. Supervisor Staub inquired as to whether anyone had telephoned former Finance Director Tom Minton to inquire of his recollection of the discussion. Ms. Ritter advised that Mr. Minton recalled paying the loan via wire transfer. In response to a further question, she advised that Mr. Minton had indicated no recollection regarding discussions of interest. She further advised that "Community Counseling was in very tough shape at that time ... under threat of closing their doors." Supervisor Aldean pointed out that Mr. Minton was in no position to obligate the Board or the City. She noted the Board's discretion to charge interest, and suggested it should not be retroactive to August of 2006. If five percent is determined to be an appropriate interest rate, she suggested making it effective as of today's date if the repayment agreement is approved.

Supervisor Staub disagreed, and noted that Mr. Minton was a City employee at the time the representation was made. "Apparently this loan, the allocation from City funds was made by Mr. Minton." In response to a question, Ms. Ritter advised that the allocation of funds was not approved by her. She reiterated the allocation was made by wire transfer. In response to a further question, she advised such a transaction would "normally ... come to the Board. This type of payment would not be made without coming to the Board." She reiterated that the Community Counseling Center was considering "eminent default" on their loan. She "expected to see something come back to this Board as far as a repayment agreement where these things would be fleshed out as far as the interest rate." Supervisor Staub discussed the importance of determining what representations were made by City staff at the time the loan was offered, at the time a wire transfer was made, at the time the Community Counseling Center accepted the funds. He noted that nothing was put in writing and it didn't come before the Board. "We're trying to ratify an action that took place ... in '06 and we've never asked anyone for a statement or an affidavit that states what representations were made at the time of the understanding." He noted the statute of frauds to consider. He expressed concern that "if everything is done orally then we have to look at what actions took place. We have to look at what the parties did in order to prove up ... their understanding of the oral agreement ... at that time." He suggested finding out what representations were made by City staff at the time. If the representation of a loan without interest was made by City staff at the time, he expressed the opinion that the Board has to comply. "You can't change the deal after the fact." Ms. Ritter noted that City staff had no authority to obligate the Board. Supervisor Staub advised he wouldn't pursue interest from the Community Counseling Center "if their understanding at the time of the wire transfer" was that there would be no accrual of interest. "A deal is a deal is a deal."

Mayor Teixeira referred to "their October 12, 2006 minutes" and inquired as to a written statement which he read into the record: "Tom Minton, City Finance Director, has approved the center does not have to pay utilities at residential for two years. The City bought our loan for \$120,000 and the center will now have to pay back the City. Great job, Mary." Mayor Teixeira noted no representation of interest in the written statement. In response to a question, Ms. Ritter advised that her notes indicate an obligation by the City to "help them with utilities for a one-year period." Mayor Teixeira noted the essential service provided to the community by the Community Counseling Center. He expressed the belief that representations were made to provide the loan at no interest. In response to a question, Ms. Bruketta advised that she had not

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seen the representations made by Mr. Minton, as a former City employee, on behalf of the City. In response to a further question, she advised that Mr. Minton did not have the authority to issue a \$105,000 check to repay a loan without Board approval.

Supervisor Aldean pointed out that buying a loan includes the principal as well as the terms of that loan. She reiterated the expectation that the institutional lender was charging interest. She pointed out that the representation in "these minutes" that the City bought the loan "does not negate the obligation to pay interest. ... The City basically stepped in and replaced the institutional lender by satisfying the terms of the loan agreement and paying off the balance of the loan." Ms. Bruketta acknowledged the Board's discretion to charge interest. She advised that the District Attorney's Office was not involved in discussions with Community Counseling Center representatives. Supervisor Aldean discussed the importance of employees not getting the impression that money can be lent without Board of Supervisors approval.

Mayor Teixeira agreed that the repayment agreement should have been presented to the Board prior to the loan being paid off. He entertained a motion. **Supervisor Staub moved to approve an agreement between Carson City and Community Counseling Center for the ratification by Carson City of the payment of a debt owed by the Community Counseling Center and agreement by the Community Counseling Center to repay the money to Carson City in the approximate amount of \$105,128, without interest accruing. Supervisor Livermore seconded the motion.** Supervisor Aldean expressed opposition "because ... everybody needs to step up to the plate, especially given the tough fiscal circumstances we find ourselves under." She reiterated the suggestion to not charge interest retroactively, and expressed the opinion that a modest amount of interest would be appropriate. Ms. Ritter advised that the amortization schedule will be revised. She further advised that the payments are being kept at \$3,000 per month "which is what Community Counseling can afford to pay." She acknowledged that the \$3,000 payment included interest. Mayor Teixeira called for a roll call vote; the results as follows: **Supervisor Staub, Supervisor Livermore, Mayor Teixeira - yes; Supervisor Aldean, Supervisor Williamson - no. Motion carried 3-2.**

11(B) PRESENTATION BY THE CARSON CITY MUNICIPAL GOLF CORPORATION OF A STATUS UPDATE OF ACTIVITIES AT THE EAGLE VALLEY GOLF COURSE DURING CALENDAR YEAR 2007 (10:37:56) - Mayor Teixeira introduced this item. Finance Director Nick Providenti introduced Eagle Valley Golf Course General Manager Jim Keppler, and provided background information on this item. Mr. Providenti acknowledged that he attends meetings of the Eagle Valley Golf Course Board of Directors. At Mayor Teixeira's request, he provided additional background information on the golf course over the past couple of years. He advised that Mr. Keppler was hired in February 2007, and began "revamping" the club house, the restaurant, and the bar. He further advised that the golf course is financially "breaking even" at the present time.

(10:40:13) Mr. Keppler described the Eagle Valley Golf Course as a "prime property for golf anywhere in the western United States." He advised there are very few 36-hole facilities that provide opportunities for beginning as well as advanced golfers. He discussed recent improvements to the golf course and its facilities. He advised that tournament bookings for this year and next have already increased. He discussed the economic impacts of tournaments to the community. He advised of having recently reviewed contracts, and expressed the belief that "going forward, we're going to have a tremendous property in the next 18 months to two years." He further advised that overall play has increased this year.

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In response to a question, Mr. Providenti advised that the golf course lease is established on a "rolling five year" basis. Mayor Teixeira acknowledged that the City does not want to resume management of the golf course. He noted the "remarkable turn around taking place" since Mr. Keppler's arrival. He commended Mr. Keppler and his staff. Mr. Keppler reviewed various improvements to the golf courses, and anticipates making additional improvements in the coming year.

In response to a question, Mr. Keppler discussed problems with the lawn mowers, and advised he is working to identify funding sources to replace them. Mayor Teixeira advised of having discussed, with Parks and Recreation Department Director Roger Moellendorf, the possibility of golf course staff mowing four of the Centennial Park fields. A brief discussion followed. Mayor Teixeira recessed the meeting at 10:46 a.m. and reconvened at 10:53 a.m.

11(C) ACTION TO ACCEPT THE CARSON CITY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2007 (10:53:52) - Mr. Providenti introduced Kristen Burgess and Dan Carter, of Kafoury Armstrong. Mr. Carter and Ms. Burgess narrated a PowerPoint presentation of the comprehensive annual financial report ("CAFR"), copies of which were included in the agenda materials.

Mr. Carter responded to questions regarding infrastructure added, from 1980 to 2003, to the City's total assets under GASB34. He explained the City's option to delay implementation of the infrastructure. In response to a question, he advised that the infrastructure was comprised mostly of roads and streets "that have been accounted for but never on the books until this year ... It netted out to \$40 million." In response to a further question regarding the reason the roads and streets were not included as assets at the time they were opened, Mr. Carter explained that under the financial guidelines "at the time, they didn't need to be reported." He acknowledged a change in accounting rules and regulations. He reiterated the City had the option to "delay it until this year and this is the year that ... you brought them on and reported them." Mr. Carter continued reviewing the CAFR.

Ms. Burgess reviewed the Summary of Auditor's Results, at page 188 of the CAFR. In response to a question regarding the \$88,000 over expenditure in the welfare function, a Finance Department staff person explained that "additional property tax came in above what we had budgeted, so we just went ahead and expended it." Ms. Burgess acknowledged the audit report covered fiscal year 2007, July 1, 2006 through June 30, 2007. She further acknowledged having been present in the meeting room since the Board's discussion of the Community Counseling Center's loan payoff. Supervisor Staub reviewed the discussion. In response to a question, Mr. Burgess advised of the potential for the wire transfer to have been recognized during the audit of "non-major funds." She clarified, however, that the item would not necessarily have been material "in connection with some of the work we do so we wouldn't necessarily focus in on that particular item." If the item had been recognized, it would have been "through sampling," and the auditors would have looked for the loan agreement documentation. Supervisor Staub inquired as to whether Ms. Burgess was concerned that the auditors did not recognize the wire transfer. Ms. Burgess advised that she was not necessarily concerned "because we're working in the realm of materiality." She clarified "it is both quantitative and qualitative materiality so if there are bigger issues with respect to this number than just the dollar amount, if it was brought to our attention, we would look into it further. ... from a dollar aspect, we might not necessarily catch this type of transaction." Supervisor Aldean inquired as to auditor recommendations regarding internal controls if the transaction had been recognized. Ms. Burgess advised that additional investigation into the detail would have to be conducted. Recommendations would

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definitely have been provided if a material finding had been made. In response to a further question, Ms. Burgess advised that the audit considers historical data and its material presentation. "However, controls drive those numbers." Ms. Burgess explained that the auditors evaluate controls to gain an understanding, but they do not audit controls. In response to a further question, she explained the audit process to gain an understanding of internal controls, which is a huge component of ensuring expenditures are correct. Based on the understanding of internal controls, a decision is made as to whether or not to test them. If internal controls are not tested, substantive procedures are initiated. Substantive procedures can translate to "more intense audit work because we can't rely on the internal controls." Evaluation of internal controls drives the audit procedures. Confirming that expenditures are materially correct is mainly a function of testing controls over disbursements. Ms. Burgess acknowledged that the Summary of Auditor's Results indicates there was no violation of normal audit functions. In response to a further question, she advised that the new audit standards include a more in-depth evaluation of internal controls. The auditor will not issue an opinion, but "we will have requirements to do a more in-depth evaluation than what has been done under the standards in the past."

Ms. Burgess reviewed the Report on Internal Control over Financial Reporting, included in the CAFR at pages 178 and 179. Ms. Ritter explained changes to the City's payroll system, and discussion followed. In response to a question, Ms. Burgess recommended that the City form an audit committee. Supervisor Aldean suggested adopting an imminent time line for the audit committee. Ms. Burgess advised that City Auditor Sue Johnson had been in communication with Kafoury Armstrong representatives regarding formation of the audit committee. The Board members thanked Ms. Burgess and Mr. Carter for their presentation. Ms. Burgess responded to questions regarding the CAFR. She acknowledged the City is considered a low-risk auditee and that its bond rating is not in jeopardy. She further acknowledged the City will need to budget additional funding for audits in the future. "Even if the City takes on a significant portion of the drafting of the policies and the controls, we're still going to have to come in and do much more in the way of evaluation than we've done before." Mayor Teixeira requested some input on the cost in order to include an accurate number in the budget. He expressed the hope that the costs could be itemized. He thanked Ms. Burgess and Kafoury Armstrong and Co. Mayor Teixeira entertained a motion. **Supervisor Aldean moved to accept the Carson City Comprehensive Annual Financial Report for the fiscal year ending June 30, 2007. Supervisor Livermore seconded the motion. Motion carried 4-0-1.**

11(D) UPDATE ON THE CURRENT AND FUTURE FINANCIAL CONDITION OF THE CARSON CITY GENERAL FUND (11:23:37) - Ms. Ritter advised of very few changes from the last report. She requested the Board members' input on the new report format. She narrated and responded to questions regarding a SlideShow presentation of the FY 2007 / 2008 Budget / Financial Update, copies of which were included in the agenda materials. In response to a question, she advised that Consultant Mary Walker is working on expenditure projections. A three-year projection will be presented to the Board at the January 17, 2008 meeting. In response to a further question, Ms. Ritter advised that Board direction will be requested prior to doing anything "finer tuned." She clarified that general options will be presented to the Board. In response to a comment, she advised of "fund balance to keep us going and we continue to look for reductions." Supervisor Aldean noted that Ms. Walker is under contract and is providing a model for projections. She expressed a preference for more detail in terms of options "based on the lay of the land ... so that we don't have to craft an option at the dais." Mayor Teixeira agreed, and discussed various options for reducing the expenditures. He inquired as to flexibility to "cut and trim," and requested "a cafeteria plan." In consideration of the three-year projection, Ms. Ritter discussed the logic of including

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trigger points. She noted that the projection will include impacts to service levels. Mayor Teixeira requested to be able to review "every option on the book."

Supervisor Staub requested information on how each department would accommodate a five percent budget cut, including history and projections for stand by and overtime pay. He expressed concern that there are no controls over stand by and overtime pay. He requested information on net reductions "because I can't imagine we're not authorizing new positions." Ms. Ritter agreed to provide the report. In response to a comment, she noted that Board approval is required to add positions. In response to a question, she advised that no augmentations have been made. The report will include all adjustments to the budget. Ms. Ritter acknowledged that augmentations are presented to the Board. Supervisor Staub suggested separating out carry forwards on project fund balances by year "rather than rolling them up and putting them into a big pot of money." Mr. Providenti explained the method by which left over funding is carried forward in the same line item for individual projects. Funding for projects which cost less than estimated is allocated into the fund balance and can be appropriated for other things.

Supervisor Aldean expressed concern over penalizing departments that have been circumspect in their spending. "... there are some departments that may not be able to cut five percent; other departments may be able to cut more." She suggested that an overall five percent reduction "needs to be overall and not necessarily by department." Ms. Ritter advised of a target number for reductions, and that Board direction would be requested regarding service level priorities. Mayor Teixeira expressed concern over reductions in areas "the community is more attuned to having than having their streets swept." He referred to parks and recreation and the library as examples. He reiterated the importance of providing options to the Board. Supervisor Livermore suggested considering the 2008 / 09 budget and cuts made from this time going forward. He noted that the Parks and Recreation Department cut \$128,000 in this budget alone which is 5.2 percent. He further noted that the Fire and Sheriff's Departments increased their budgets. He discussed the importance of determining essential and non-essential services, and considering cost recovery opportunities. Mayor Teixeira suggested scheduling the budget presentation for an evening session. Ms. Ritter suggested that the departments should offer options which include service level reductions. Mayor Teixeira recessed the meeting at 11:42 a.m. and reconvened at 1:31 p.m.

11(E) ACTION TO APPOINT TWO MEMBERS TO THE OPEN SPACE ADVISORY COMMITTEE FOR FOUR YEAR TERMS EXPIRING JANUARY 1, 2012 (1:31:37) - Ms. Ritter introduced this item and Dr. Sean Lehmann.

(1:31:49) Mayor Teixeira inquired as to Dr. Lehmann's interest in serving as a member of the Open Space Advisory Committee ("OSAC"), and the skills / expertise he could contribute. Dr. Lehmann expressed an interest in becoming more involved in the community, and an interest in open space. He acknowledged having been aware of recent open space acquisitions, and the benefit of the Open Space Program to the community.

Supervisor Livermore thanked Dr. Lehmann for his interest and application. In response to a question, Dr. Lehmann described open space as a "scenic water shed ... so that there's open areas not totally clogged with development." He noted the benefits of trails and outdoor recreation, and advised of having recently visited the Borda Ranch. He acknowledged support for preserving scenic vistas as a benefit to the overall quality of the community. In response to a further question, he advised of a personal interest in outdoor recreation.

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Supervisor Staub thanked Dr. Lehmann for his re-application. In response to a question regarding prioritized use of open space properties, Dr. Lehmann expressed support for conservation easements which represent a "win-win" for the property owner and the City. He noted that conservation easements would primarily provide for preservation of the scenic value of open space. In response to a further question, he reiterated that open space acquired by conservation easement would "just be to look at." He expressed support for being able to use open space property which is purchased outright by the City. Supervisor Staub inquired as to striking a balance between open space uses and properties which have been historically used by motorized vehicles. Dr. Lehmann suggested this would have to be taken into consideration. He acknowledged an understanding of friction between uses, and expressed an interest in identifying a compromise.

Supervisor Aldean expressed appreciation for Dr. Lehmann's support of conservation easements. She noted the BLM's multiple-use philosophy, and inquired as to Dr. Lehmann's opinion. Dr. Lehmann expressed support for multiple use, with consideration given to conflicting uses and areas designated for motorized vehicles. In response to a further question, he suggested the highest priority properties for consideration of open space acquisition would be those under the most pressure for development. Mayor Teixeira thanked Dr. Lehmann for his application and attendance. Dr. Lehmann declined the opportunity to provide additional comments.

(1:39:21) Ms. Ritter introduced Michael Fischer, who requested reappointment to the committee. He advised that Open Space / Property Manager Juan Guzman had requested him to reapply. He acknowledged having continuously served as a member of the OSAC since its inception in 2000. In consideration of the history of the Open Space Program, Mayor Teixeira inquired as to whether Dr. Fischer would do anything differently with regard to acquisition. Dr. Fischer expressed the belief that the program "has moved forward well from the start." He expressed the further belief that the voters intended for the Open Space Program "to last forever," and advised that he has striven to come as close as possible to the concept of perpetuity as applied to open space properties. He expressed concern over the water rights relinquished as part of the Andersen property acquisition, and the preference that this "doesn't become the precedent with future potential" open space acquisitions. He expressed the opinion that the OSAC has gone in the right direction from the beginning. Hiring Consultant Jeff Winston to assist in development of the open space master plan element "was the proper thing to do at the time." Dr. Fischer expressed the further belief that the OSAC members have done a good job for the community. He reviewed the composition of the OSAC and the expertise represented by its membership. He expressed the opinion that the OSAC is "doing what Question #18 actually asked for."

Supervisor Aldean inquired as to whether Dr. Fischer was concerned with the lack of progress associated with the Horse Creek Ranch conservation easement. Dr. Fischer advised he was not concerned in consideration of "the whole scenario." He explained that "other owners of other properties nearby are looking at the same kinds of concepts." He expressed the belief that the transaction will "be done correctly," and that Mr. Fagen has been negotiating with the City in good faith. He expressed the further belief that nothing will happen "on that meadow that the City doesn't want." In response to a question regarding his preference between fee title purchase or conservation easement for open space property, Dr. Fischer advised "it would depend upon where that piece of property was located and what the purpose of the easement was versus why the City itself would want to have control of the entire piece of property." He noted the importance of the Board of Supervisors considering the tax structure in conjunction with potential open space acquisitions. He suggested that each potential acquisition has to be considered based

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on how it would serve the Open Space Program. In consideration of diminishing resources, Supervisor Aldean suggested that conservation easement would be just as productive as fee title acquisition in preserving property as open space due to the "whole series of maintenance obligations that accrue to the City." Dr. Fischer advised that management is a topic of discussion at each OSAC meeting. He discussed the potential for partnering with the U.S. Forest Service and the BLM on management issues in the future.

Supervisor Staub thanked Dr. Fischer for reapplying. He inquired as to the importance of the OSAC members understanding the development potential of a piece of property in consideration of open space criteria. Dr. Fischer noted the mandate of the OSAC to consider acquisition in light of established criteria. He reiterated the importance of considering the change in tax status of a piece of property. He discussed the option of cluster development to ensure open space, and advised the OSAC has "not shied away from that." He noted the responsibility of the Open Space Program staff to bring concerns over community finances to the OSAC. He discussed the importance of institutional knowledge, as a member of the OSAC, to ensure Question #18 is followed. Supervisor Aldean advised Dr. Fischer of a recent determination that Question #18 funding cannot be used to maintain freeway landscape.

Supervisor Livermore noted that Dr. Fischer had served as a Question #18 spokesperson, and that the community had celebrated the tenth anniversary of Question #18 last year. Dr. Fischer acknowledged no regrets with regard to how Question #18 was sold. He expressed the opinion that the OSAC has endeavored to ensure "that we're doing what the people voted for." Supervisor Livermore referred to the Bernhard acquisition. In response to a question, Dr. Fischer expressed the opinion that the Bernhard property represents "a good example of how open space was preserved." He reiterated the importance of Open Space Program staff ensuring that Board of Supervisors concerns are related to the OSAC. Supervisor Livermore thanked Dr. Fischer and the OSAC for their hard work and achievements. He expressed the opinion that the Carson City Open Space Program is a model for other communities. Mayor Teixeira thanked Dr. Fischer for his past service and for his reapplication.

(1:55:32) Ms. Ritter introduced Howard Riedl, who requested reappointment to the OSAC. Mayor Teixeira thanked Mr. Riedl for his service and for his reapplication, and inquired as to his continued interest. Mr. Riedl advised of having first been appointed to the OSAC in 2003. He expressed support for the Open Space Program which "contributes greatly to the overall community economically, recreationally." He advised of partnerships with many City departments. He expressed an interest in being reappointed "because there's a lot to be done." He advised of "good successes in the past" and advised that the Open Space Program is in somewhat of a transition phase. He noted "a lot of acquisitions" yet to complete in the open space master plan element, and the importance of maintenance responsibilities over the existing open space inventory. Mayor Teixeira inquired as to anything that Mr. Riedl would have done differently. Mr. Riedl noted the catastrophe represented by the Waterfall Fire, and expressed pride in the OSAC's role in rehabilitation of the burn area. He expressed a preference that things could have been done more quickly.

Supervisor Livermore thanked Mr. Riedl for his dedication to Carson City's Open Space Program. He noted the most recent acquisition of the Andersen property, and inquired as to additional acquisitions in the area and associated time frames. Mr. Riedl advised that most of the present opportunities are along the River. He noted the Serpa property which is very important to the V&T Railroad in addition to the other parcels the OSAC is pursuing to preserve the River corridor. In response to a further question, Mr. Riedl advised of "minor pieces" in addition to the Dombrowski property and the Jarrard and Serpa parcels. He

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discussed the importance of being ready; "to maintain our capital fund for purchases" because of the requirement to work with willing sellers. In response to a question, Mr. Riedl expressed the opinion that the Serpa property is within reach but depends upon the type of purchase. He discussed the options of conservation easement and outright purchase, and funding opportunities represented by Question #1 and the Southern Nevada Public Lands Management Act.

Supervisor Staub expressed appreciation for Mr. Riedl's reapplication. In response to a question, Mr. Riedl advised that land operations, maintenance, management, and use are considered for potential open space acquisitions. He discussed opportunities associated with the unified pathways master plan element, the potential for joint uses, and balancing parks and recreation and open space uses. He noted the importance of balancing preservation of open space vistas with recreational uses in consideration of economic benefits to the community.

Supervisor Aldean thanked Mr. Riedl for reapplying, and inquired as to how diverse interests and uses are reconciled. Mr. Riedl noted the importance of not putting one's head in the sand and ignoring certain users of open space. "That means planning." He advised that conflicts will occur "if there is not a place where people know where to go for certain uses." He suggested the best way to avoid conflicts is to ensure sufficient planning. He noted the Envision Carson City comprehensive master plan and the unified pathways master plan element as "the first step." He discussed the importance of implementing the master plans in consideration of conflicts which may occur and how to manage those potential conflicts. In response to a question regarding the Horse Creek Ranch conservation easement, Mr. Riedl advised he is not concerned because the land owner "has a lot of work to do prior" to making a commitment on that conservation easement. He expressed concern over the City attempting to force an agreement involving a less than well-thought-out development plan. Mayor Teixeira thanked Mr. Riedl for his past service and his reapplication. Mr. Riedl thanked the Board for their time and consideration.

(2:07:47) The Board discussed the applicants, and Mayor Teixeira entertained a motion. **Supervisor Livermore moved to appoint Michael Fischer and Howard Riedl to the Open Space Advisory Committee for a four-year term, expiring January 1, 2012. Supervisor Aldean seconded the motion. Motion carried 4-0-1.**

11(F) ACTION TO APPOINT FOUR MEMBERS TO THE PARKS AND RECREATION COMMISSION FOR FOUR YEAR TERMS ENDING JANUARY 2011 (2:08:57) - Ms. Ritter introduced this item and reviewed the agenda report. She introduced applicant Charles Adams.

(2:09:25) Charles Adams introduced himself for the record. Mayor Teixeira inquired as to Mr. Adams' interest in serving as a commissioner and his qualifications. Mr. Adams advised he has an eight-year-old son, who attends Fritsch Elementary School and for whom he coaches soccer and Little League teams. Mr. Adams advised that he currently serves as a Goni Canyon Preservation League Board member, and that the League recently completed a trail which he helped to design. He further advised that he participates in a community clean up project each April in the area of Goni Canyon. He expressed an interest in the City's trails program, and advised of having reviewed the unified pathways master plan element at a recent V&T Railroad Commission meeting. He expressed an interest in the community, and in giving back "for all the

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programs ... they've done." He expressed appreciation for all the Parks and Recreation Department programs. He advised that he is a Sierra Pacific Power Company employee, that he has worked with Park Planner Vern Krahn on the urban fishing pond project, and with Mayor Teixeira on trails in conjunction with Sierra Pacific Power Company easements.

Supervisor Livermore discussed the importance of community parks and recreation. He advised that Parks and Recreation Commission Chairperson Donna Curtis had requested him to inform each of the applicants of the time required to serve as a commissioner. He reviewed plans for a strategic planning workshop and a parks tour. In response to a question, Mr. Adams advised he would be committed to participating in commission meetings and activities. Supervisor Livermore discussed the commission's endeavors with regard to the community recreation center. In response to a question, Mr. Adams advised of having volunteered at the Boys and Girls Clubs. He acknowledged an open mind as to the need for an indoor recreation facility.

Supervisor Staub inquired as to Mr. Adams' opinion regarding a joint public / private partnership between the Boys and Girls Clubs and the City in developing a recreation facility. Mr. Adams expressed support for creative ways to provide facilities. Supervisor Staub thanked Mr. Adams for his application.

Supervisor Aldean inquired as to how Mr. Adams would prioritize program reductions and budget cuts, if necessary. Mr. Adams advised of having reviewed information on the Parks and Recreation Department website. In response to a question, he expressed a preference for maintaining existing parks and replacing equipment, as necessary. He acknowledged the need for new facilities with a growing population. He suggested that prioritization would have to be approached from a "common sense balance." Mayor Teixeira thanked Mr. Adams for his application on behalf of the Board.

(2:19:20) Ms. Ritter introduced Robert Brogan. Mayor Teixeira thanked Mr. Brogan for his application. He inquired as to Mr. Brogan's interest in serving as a commissioner and his qualifications. Mr. Brogan expressed an interest in giving back to the community. He advised of having served as a member of the Board of Supervisors for a four-year term. He discussed his involvement in organizing the Retired Officers Association and the Navy League, and in children's organizations.

Supervisor Aldean noted the City's fiscal challenges and inquired as to how Mr. Brogan would prioritize program reductions or diversion of resources, if necessary. Mr. Brogan suggested that impacts would have to be considered. "Those that are most impacted, you would try to steer away from them." In response to a question regarding designation of additional City parks as dog-friendly facilities, Mr. Brogan advised of no opinion as he doesn't have a pet.

Supervisor Staub thanked Mr. Brogan for his application. He inquired as to Mr. Brogan's opinion of public / private partnerships for purposes of developing a recreation center with the Boys and Girls Clubs. Mr. Brogan advised this was the first he had heard of that. In response to a question, he suggested that history indicates "taking things ... out of the City's hands and let private enterprise take care of it, we normally came out ahead." He referred to Waste Management as an example.

Supervisor Livermore inquired as to Mr. Brogan's understanding of the time commitment required to serve as a commissioner. He advised of plans for a strategic planning workshop and a park tour. In response to a question, Mr. Brogan advised he is retired and has "plenty of time on [his] hands." Supervisor Livermore

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discussed the potential to develop a recreation center in conjunction with the Boys and Girls Clubs of Western Nevada. In response to a question regarding joint use of facilities, Mr. Brogan reiterated "you can sometimes come out better" "taking it away partially if not totally away from government to run." He advised he drives by the Boys and Girls Clubs location nearly everyday and that it appears to have a considerable amount of space for expansion. Supervisor Livermore commended Mr. Brogan on his involvement in getting the runway paved at the radio controlled air park. Mayor Teixeira thanked Mr. Brogan for his past service to the community and for applying to the commission. Mr. Brogan advised Mayor Teixeira that one of the boys he coached in the Pop Warner football program is now a Coast Guard captain.

(2:29:02) Ms. Ritter introduced Steven Lasco. Mayor Teixeira thanked Mr. Lasco for his application. He inquired as to Mr. Lasco's interest in serving as a commissioner and his talents / qualifications. Mr. Lasco advised he is a new Carson City resident as of approximately six weeks ago. He advised that the *Carson Times* article had caught his attention. He is employed by Lumos & Associates, which is involved in many City projects. He noted that many Lumos & Associates employees serve the community, and that commission service "seemed to be a good synergy with what [he] wanted to, with what the community had to offer," and with the culture of his company. As a newcomer, he described himself as a "political outsider" with no connections to "anyone or anything." He further described himself as an advocate of open space and trail use. He advised of having worked at a Boys and Girls Clubs in South Lake Tahoe, and noted the importance of both free and structured play in children's programs. He noted the significance of 1,000 homeless children in a community of 55,000 residents. He discussed a primary interest "to provide those children with as much positive support as possible so that they can grow to be productive adults." In response to a question, he advised of having read in the *Nevada Appeal* that the community has 1,000 homeless children. Supervisor Aldean clarified that homeless kids are defined as those living in motels, not necessarily on the street.

Supervisor Aldean thanked Mr. Lasco for his application, and commended him on taking such a keen interest in parks and recreation after having been in the community for such a short period of time. She requested Mr. Lasco to elaborate on the statement in his application regarding other communities' poor choices regarding planning, development, and open space. Mr. Lasco advised that his home town of Antioch, Illinois, which used to be a small town and is now a Chicago suburb, experienced unplanned and unchecked growth. "It has just become another faceless suburb." He provided additional examples of unplanned and unchecked growth in the area of Antioch. In the case of Oakland, California "and the greater Bay Area, there is so much emphasis on undoing past wrongs, undoing past decisions." He advised that his focus would be to follow the master plan and "to make developers pay their fair share of things so that what's good for a small segment of the community or a few private interests is shared with the community at large." In response to a question, he advised that the town of Antioch, Illinois has doubled since the 2000 census. "The explosion has really taken its toll on the resources and on the long-time residents of the community." Supervisor Aldean thanked Mr. Lasco.

Supervisor Staub thanked Mr. Lasco for his application, and welcomed him to Carson City. He inquired as to Mr. Lasco's opinion of a potential joint use public / private partnership between the City and the Boys and Girls Clubs. Mr. Lasco expressed the opinion that the potential partnership represents an excellent

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opportunity "provided that everyone does their due diligence." "Anything you can do to create and facilitate a true win-win, not a 70 / 30 win-win, but a true win-win, 50 / 50, to maximize resources and provide access, ... is a good thing." He advised of some familiarity with the proposed partnership and reiterated the opinion it appears to be a good opportunity.

Supervisor Livermore thanked Mr. Lasco, and advised of Parks and Recreation Commission Chairperson Donna Curtis' request that he inform the applicants of the time commitment involved in commission service. He advised of plans for a park tour and a strategic planning workshop to be scheduled on Saturdays. In response to a question, Mr. Lasco advised he would be committed to such meetings and activities. Supervisor Livermore provided background information on the recreation center project. In response to a question, Mr. Lasco reiterated support for "anything we can do to maximize resources, increase access, provide more opportunities." Supervisor Livermore discussed the need to develop a joint use agreement. In response to a question, Mr. Lasco discussed his involvement with the Bijou after-school program. He acknowledged support for joint use of facilities. Mayor Teixeira thanked Mr. Lasco, on behalf of the Board and the community, for his application.

(2:38:36) Ms. Ritter introduced Chuck Muth. Mayor Teixeira thanked Mr. Muth for his application. He inquired as to Mr. Muth's interest in serving as a commissioner and his qualifications. Mr. Muth advised he has young children and has experienced the available recreational activities and programs. Based on his experience living in other communities, he expressed the opinion "we could probably do a little bit better." He advised of having been critical of the Parks and Recreation Department in the past, and "if you're going to criticize something, you should be willing to step up and do something about it if you're not happy with it." He further advised of having read the commission announcement in the newspaper the same day he read that the Aquatic Facility was going to be closed on Sundays through the winter. With regard to qualifications, he advised of having spent his "entire teenhood at a recreation center after school every day." He further advised of having worked for the Baltimore, Maryland Parks and Recreation Bureau. He expressed a desire to see recreation "brought to the neighborhood level."

Supervisor Aldean advised of having retrieved Mr. Muth's January 30, 2008 article regarding the proposed joint use recreation center with Western Nevada College. She informed Mr. Muth that she and Supervisor Williamson had sought an opinion from the Ethics Commission, which determined there was no conflict of interest had the project moved forward. She and Supervisor Williamson were entitled to vote on the matter because they receive no "remuneration as members of the foundation." She noted the City's current fiscal challenges, and Mr. Muth acknowledged he is a fiscal conservative. She advised of having discussed the Sunday closure of the Aquatic Facility with Parks and Recreation Department Director Roger Moellendorf, who informed her that Sunday is the least utilized day of the week. She noted that the Board will likely have to make fairly critical budget decisions in the near future. She inquired as to Mr. Muth's prioritization of program reductions and resource diversions. Mr. Muth advised he would first have to "see the list of where things are." He expressed a personal bias toward children "who can't do things on their own." Supervisor Aldean inquired as to Mr. Muth's opinion of passive versus active recreation, i.e., trails and pathways versus ball fields. Mr. Muth expressed a preference for ball fields.

Supervisor Staub thanked Mr. Muth for his application, and provided background information on the City's need to develop a recreation center. He inquired as to Mr. Muth's opinion of the potential joint use public / private partnership with the Boys and Girls Clubs of Western Nevada. Mr. Muth advised of having recently discussed the potential partnership with School District Superintendent Mary Pierczynski and

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Carson Area Chamber of Commerce Executive Director Ronnie Hannaman. Ms. Pierczynski and Ms. Hannaman had expressed a preference for the partnership with the Boys and Girls Clubs as "a much better opportunity or better use with what limited money we have than putting the facility at Western Nevada Community College." Mr. Muth expressed an interest in reviewing "all the details" before voicing an opinion, but "it certainly did seem to make more sense than spending the amount of money that they were spending way out at WNCC when you've got an organization that's already catering to children in the community."

Supervisor Livermore inquired as to Mr. Muth's understanding of the time commitment involved in serving as a commissioner. He informed him of plans for a park tour and strategic planning workshop to be scheduled on Saturdays. Mr. Muth advised that Sundays would be a problem for his family. In response to a question, Supervisor Livermore reviewed the average time required to prepare for and attend meetings. He reiterated the possibility of special meetings in addition to regular commission meetings. Mr. Muth advised he would be "either all in or all out." He expressed understanding of the time commitment and advised it fits into his schedule. Supervisor Livermore advised that he had been involved in discussions to close the Aquatic Facility on Sundays through the winter. He provided background information on the decision. Mr. Muth acknowledged not having been privy to all the reasons for closing the facility on Sundays. In response to a question, he referred to earlier comments regarding neighborhood recreation facilities and discussed joint use of school facilities during his youth. He expressed an interest in exploring the possibilities of making better use of neighborhood facilities. Mayor Teixeira thanked Mr. Muth for his application.

(2:51:20) Ms. Ritter introduced James Smolenski. Mayor Teixeira thanked Mr. Smolenski for offering his services to the community. He inquired as to Mr. Smolenski's interest in serving as a commissioner and his qualifications. Mr. Smolenski advised of having graduated from the Carson City Leadership Class approximately three years ago. He expressed an interest in bringing more attention to the cemetery, both "from the business side and also from the consumer side."

Supervisor Aldean advised of having recently read an article about Colma, California. Mr. Smolenski acknowledged a familiarity with Colma, California, "the city of the dead" or "city of souls." Supervisor Aldean advised that the City of Colma markets itself as the "city of souls," after having received many relocated burials from the San Francisco area. The City of Colma has turned this aspect "into a huge asset." Supervisor Aldean offered to share the article with Mr. Smolenski, and advised that the City of Colma has incorporated their cemeteries as "important recreational areas" for residents and tourists. She listed some of the more famous people buried in Colma, and suggested that Carson City could also turn its cemetery into a recreational opportunity and tourist attraction. Mr. Smolenski advised there is "historic value in any cemetery." Supervisor Aldean referred to the City's existing financial situation, and inquired as to Mr. Smolenski's recommendations as to prioritizing cuts, if necessary. Mr. Smolenski expressed the belief that required and necessary services cannot be cut. He suggested the possibility of motivating and including the citizens in such programs as adopt-a-park, adopt-a-highway, adopt-a-section-of-the-cemetery. He expressed the opinion there are no costs associated with utilizing volunteers.

Supervisor Staub thanked Mr. Smolenski for his application, and provided background information on the City's efforts to develop a joint use recreation facility. He inquired as to Mr. Smolenski's opinion of public / private partnerships in developing joint use facilities. Mr. Smolenski expressed support for a partnership between the City and the Boys and Girls Clubs "if it can be done the right way." He advised that the Boys

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and Girls Clubs is in the neighborhood of his home, and expressed support for adding on to the existing structure to facilitate a full-scale recreation center. "If it can be done right, it's a win-win situation for everyone, not only for the community as a whole but the kids of our future."

Supervisor Livermore reviewed the average time commitment required to serve as a commissioner. He advised of plans for a park tour and a strategic planning workshop to be scheduled on Saturdays. In response to a question, Mr. Smolenski advised he had the time to commit to the commission. He advised that his staff is very supportive of his community involvement. Mayor Teixeira thanked Mr. Smolenski for his application.

In response to a question, Ms. Ritter advised that Glenn Tierney had not yet arrived.

(2:58:36) Ms. Ritter introduced Todd Westergard. Mayor Teixeira thanked Mr. Westergard for his application. He inquired as to Mr. Westergard's interest in serving as a commissioner and his qualifications. Mr. Westergard advised of a general interest and an appreciation of parks and recreation as a matter of community quality of life and physical and emotional health and well being. He further advised that he now has the time available. He advised of an ongoing interest in this area, but that the last several years have been devoted to volunteering in his children's sports programs. He further advised of having served as a commissioner in 1986. He acknowledged the commission had evolved since then. He further advised of having been previously employed by the Parks and Recreation Department as a youth sports referee, a scorekeeper, a day camp leader, and a parks maintenance worker. He advised of having been a user of parks and recreation facilities as a young person and as an adult, raising his family in Carson City.

Supervisor Aldean thanked Mr. Westergard for his application, and referred to the City's present financial situation. She inquired as to how Mr. Westergard would prioritize budget cuts, if necessary. Mr. Westergard advised that he administers the Gaming Control Board budget, and that they are in the midst of "several scenarios as far as cuts go and moving around resources." He advised there is a process for prioritizing and that it should be no different relative to City parks and recreation. He noted the importance of considering the programs which have the most extensive use and interest in the community, and expressed the belief that these need to be a priority. "People have to be a priority." Mr. Westergard further noted the importance of considering revenue, and suggested reviewing facility usage. He expressed the belief that traveling teams "have their benefit but they shouldn't be at the expense of everyone else." With regard to baseball fields, he expressed the belief that community Babe Ruth and Little League teams should have field use priority. He suggested giving consideration to requiring traveling teams to "pony up something." He acknowledged support for cost recovery. In response to a question, he suggested being very careful about across-the-board fee increases. He acknowledged that fee increases are sometimes necessary, "but other user fees ... can be structured so that ... special interest groups or private groups ... pay their fair share."

Mr. Westergard acknowledged the Gaming Control Board was not exempted from the Governor's budget cut even as a revenue generator. Supervisor Staub thanked Mr. Westergard for applying, and provided background information on the City's efforts to develop a new recreation center. He inquired as to Mr. Westergard's opinion of the potential for a joint use public / private partnership with the Boys and Girls Clubs to develop the recreation center. Mr. Westergard expressed the opinion that "this particular instance would be a great marriage. It would work for both entities." He advised of being very aware of the

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necessity for additional gym and indoor recreation space. Coaching St. Teresa's basketball for the better part of the last decade, he advised of "always searching for gym space." Mr. Westergard commended Sports Recreation Manager Joel Dunn for his assistance in providing and sharing gym space. He expressed the opinion that similar public / private partnership ventures will need to be considered in the future.

Supervisor Livermore advised of having known Mr. Westergard since he was employed by the Parks and Recreation Department. He further advised of having discussed, with Mr. Westergard, the time commitment involved in serving as a commissioner. He expressed appreciation for Mr. Westergard having submitted his application. On behalf of the community, Mayor Teixeira thanked Mr. Westergard for his application.

In response to a question, Ms. Ritter advised that Mr. Tierney had not yet arrived. Supervisor Aldean advised that Rich Wontorski's interview was scheduled for 3:10 p.m. Mayor Teixeira indicated he would hold the proceedings pending the arrival of Mr. Tierney and / or Mr. Wontorski.

(3:12:00) When neither Mr. Tierney nor Mr. Wontorski arrived, Mayor Teixeira requested input of the supervisors. Following each of the supervisors' comments, Mayor Teixeira entertained a motion. **Supervisor Livermore moved to appoint Charles Adams, Steve Lasco, James Smolenski, and Todd Westergard to the Parks and Recreation Commission for four-year terms expiring January 2011. Supervisor Aldean seconded the motion. Motion carried 4-0.**

As Mr. Lasco was still present in the meeting room, Mayor Teixeira and the Board of Supervisors congratulated him. Mayor Teixeira commented that Mr. Lasco was likely the first person ever to be appointed to an advisory commission "having been here only six weeks."

12. BOARD OF SUPERVISORS - None.

13. ACTION ON ADJOURNMENT (3:13:40) - Supervisor Livermore moved to adjourn the meeting at 3:13 p.m. Supervisor Aldean seconded the motion. Motion carried 4-0.

The Minutes of the December 20, 2007 Carson City Board of Supervisors meeting are so approved this _____ day of March, 2008.

MARV TEIXEIRA, Mayor