

CARSON CITY BOARD OF SUPERVISORS
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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, May 3, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, District Attorney
Randal Munn, Chief Deputy District Attorney
Moreen Scully, Senior Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

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

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:32:38) - Mayor Crowell called the meeting to order at 8:32 a.m. Mr. Glover called the roll; a quorum was present. First Christian Church Pastor Ken Haskins provided the invocation. At Mayor Crowell's request, Sheriff Ken Furlong led the pledge of allegiance.

5. PUBLIC COMMENTS AND DISCUSSION (8:34:41) - Mayor Crowell entertained public comment. (8:34:51) Andrea Engelman referenced a newspaper article "having to do with the budget, and the inference ... was that the contracts with the employees were closed." She further referenced NRS 288.153, and inquired as to "who is doing the negotiating on behalf of the taxpayers ..." Mr. Werner advised that three employment contracts are currently open. In response to a further question, he advised that the City's bargaining team, for the Fire Department employees contracts, includes the Human Resources Department Director, the Finance Department Director, and the Fire Chief. For the CCEA contract, the bargaining team includes the Human Resources Department Director, the Finance Department Director, and representatives from the major departments with CCEA employees. In response to a question of clarification, Mr. Werner advised that the current CCEA contract terminates June 30, 2012.

Mayor Crowell entertained additional public comment. (8:36:57) Kerak Shrine Temple Screening Clinic Chair Robert Paulman distributed to the Board members and the Clerk a *Leaders in Care* publication, and announced a screening clinic scheduled for Saturday, May 19th at Sierra Surgery Center. Mr. Paulman described services offered by and through the Shriners, and provided an overview of the *Leaders in Care* publication. In response to a question, Mr. Paulman advised that the Shriners will provide free transportation to the screening clinic, and he provided his contact information. He expressed appreciation for the support provided by local health care professionals. Supervisor Walt commended the Shriners' services, and described benefits extended to her family.

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Mayor Crowell entertained additional public comment. (8:41:37) Sandy Foley, a former teacher and librarian and currently the Library Board of Trustees Chair, advised of a meeting held on April 19th at which the Library Board of Trustees unanimously voted to request the Board of Supervisors to put the City Center project on the ballot. At Supervisor Abowd's request, Mr. Werner agreed to provide ballot question alternatives for the next Board meeting. Mayor Crowell thanked Ms. Foley for her Library Board of Trustees service.

(8:43:03) Jed Block commended the Shriners organization and their services, and encouraged donations. Mayor Crowell entertained additional public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - April 5, 2012 (8:44:09) - Supervisor Aldean advised of the need for non-substantive corrections, and moved to approve the minutes, as amended. Supervisor Walt seconded the motion. Motion carried 5-0.

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:44:37) - Mayor Crowell advised that items 8-A and 8-C would be deferred to a future meeting. He entertained additional modifications to the agenda and, when none were forthcoming, deemed it adopted.

8. SPECIAL PRESENTATIONS:

8(A) INTRODUCTIONS OF SENATOR BEN KIECKHEFER AND ASSEMBLYMAN PETE LIVERMORE - Deferred.

8(B) PRESENTATION OF A PROCLAMATION FOR "HISTORIC PRESERVATION MONTH," MAY 1 - 31, 2012 (8:45:33) - Mayor Crowell introduced this item, and invited Historic Resources Commission Chair Michael Drews and Principal Planner Jennifer Pruitt to join him at the podium. He stepped from the dais to the podium, and read into the record the language of the Proclamation included in the agenda materials. He presented the Proclamation to Mr. Drews. (8:47:28) Mr. Drews thanked Mayor Crowell for "joining the nation and other states in proclaiming this Historic Preservation Month." Mr. Drews reviewed scheduled events and activities, and thanked Mayor Crowell. The Board members, City staff, and citizens present applauded.

8(C) PRESENTATION OF THE 2012 HISTORIC PRESERVATION AWARDS (HRC 12-001) - Deferred.

8(D) PRESENTATION OF A PROCLAMATION FOR "INVASIVE SPECIES AWARENESS WEEK," MAY 13 - 19, 2012 (8:48:43) - Mayor Crowell introduced this item, and read into the record the language of the Proclamation included in the agenda materials. He invited University of Nevada Cooperative Extension Educator JoAnne Skelly and Natural Resources Specialist Ann Bollinger to the podium. Ms. Skelly commended Weed Coalition Coordinator Margie Evans for all her "great efforts ... with the noxious weed abatement with the Carson City Weed Coalition ..." Ms. Bollinger reviewed events and activities scheduled for Invasive Species Awareness Week and for the month of May. She displayed an example of yellow star thistle, identified in Carson City approximately three to four years ago, and described its characteristics. At Supervisor Aldean's request, Ms. Bollinger explained problems associated with invasive species. In response to a question, she described the various methods by which invasive weed species seeds are spread, and how to avoid spreading them. Ms. Skelly provided additional information, and discussion followed.

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9. CONSENT AGENDA (8:56:09) - Mayor Crowell introduced this item, and entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to separately hear item 9-5(A). Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to approve the remainder of the consent agenda. Supervisor Aldean moved to approve the consent agenda, consisting of one item from the Sheriff's Department, one item from the Treasurer's Office, one item from the District and Justice Municipal Courts, two items from Finance, four items from Purchasing and Contracts, one item from Public Works, and one item from Parks and Rec. Supervisor Abowd seconded the motion. Motion carried 5-0.

9-1. SHERIFF - POSSIBLE ACTION TO APPROVE THE DEPARTMENT OF HOMELAND SECURITY GRANT FFY09 - STATE HOMELAND SECURITY PROGRAM, IN THE AMOUNT OF \$7,750.40

9-2. TREASURER - POSSIBLE ACTION TO ACCEPT THE ACKNOWLEDGMENT OF AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES

9-3. DISTRICT AND JUSTICE / MUNICIPAL COURTS - POSSIBLE ACTION TO APPROVE THE FIRST JUDICIAL DISTRICT COURT PROPOSED BUDGET FOR FISCAL YEAR 2013, FOR \$27,756, FOR AN ESTIMATED REIMBURSEMENT FROM THE STATE CHILD SUPPORT ENFORCEMENT PROGRAM, IN THE AMOUNT OF \$24,074, AND THE PROPOSED BUDGET FOR FISCAL YEAR 2014, FOR \$28,336, FOR AN ESTIMATED REIMBURSEMENT FROM THE STATE CHILD SUPPORT ENFORCEMENT PROGRAM, IN THE AMOUNT OF \$24,605

9-4. FINANCE DEPARTMENT

9-4(A) POSSIBLE ACTION TO CONFIRM THE ENGAGEMENT OF SWENDSEID & STERN AS BOND COUNSEL TO CARSON CITY, NEVADA IN CONNECTION WITH THE \$1,100,000 CARSON CITY, NEVADA GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BOND, SERIES 2012

9-4(B) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY, THROUGH APRIL 24, 2012, PURSUANT TO NRS 251.030

9-5. PURCHASING AND CONTRACTS

9-5(A) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1112-175, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH MANHARD CONSULTING, LTD., TO PROVIDE PROFESSIONAL SERVICES FOR THE REGIONAL TRANSMISSION MAIN ENGINEERING, THROUGH DECEMBER 31, 2012, FOR A NOT-TO-EXCEED AMOUNT OF \$85,000.00, TO BE FUNDED FORM THE REGIONAL PIPELINE PROJECT ACCOUNT FUND, AS PROVIDED IN FY 2011 / 2012 (8:57:26) - Mayor Crowell introduced this item, and Purchasing and Contracts Manager Kim Belt introduced herself for the record. In response to a question, Utilities Manager Thomas Guinn apologized for omitting the detailed scope of work from the agenda materials. He reviewed the costs associated with each project phase. At Supervisor McKenna's request, he provided additional

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project detail for the public's benefit. At Supervisor Aldean's request, he provided an overview of the contract negotiations with Manhard Consulting, Ltd. He acknowledged that professional services contracts are not subject to the competitive bidding process.

Mayor Crowell entertained public comment. (9:01:36) Ward 2 Supervisor candidate Dennis Johnson inquired as to the reason the subject project phases were not negotiated as part of the entire contract. Mr. Guinn explained that the Lompa Agreement was finalized following contract award. "It's a very odd predicament ... We didn't know how much land Lompa was requiring ... and that affects the intersection of Airport Road and College [Parkway]. So, it was almost on a floating board once we got Lompas approval that established the lot lines and the contractor was still constructing water lines. ... that was a little different. The Costco intertie, the contract had already been approved to do the alignment. We did change the alignment. And then funding was a big source as far as the Costco intertie. We were going to do road improvements as well as the water line. We've scaled that back considerably where we're just doing the water line. ... we want to still do that road alignment eventually so we had Manhard complete the hydrology report ... They split up the plans so we have a set of improvement plans for the road as well as the water line so we can also bid that out ... in house once we acquire the funding for that."

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board discussion. When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to approve Contract No. 1112-175, pursuant to NRS 332.115(1)(b) and NRS 625.530, with Manhard Consulting, Ltd., to provide professional services for the regional transmission main engineering through December 31, 2012 for a not-to-exceed amount of \$85,000.00, to be funded from the regional pipeline project account fund, as provided in FY 2011 / 2012. Supervisor McKenna seconded the motion. Motion carried 5-0.**

9-5(B) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1112-183, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH HDR ENGINEERING, INC., TO PROVIDE INSPECTION SERVICES FOR CARSON CITY FREEWAY RELOCATION PROJECT, THROUGH DECEMBER 31, 2012, FOR A NOT-TO-EXCEED AMOUNT OF \$116,680.00, TO BE FUNDED FROM NDOT BYPASS REIMBURSABLE / NON-REIMBURSABLE WATER AND SEWER ACCOUNT FUNDS, AS PROVIDED IN FY 2011 / 2012

9-5(C) POSSIBLE ACTION TO DETERMINE THAT CONTRACT NO. 1112-184 IS A CONTRACT FOR ITEMS WHICH MAY ONLY BE CONTRACTED FROM A SOLE SOURCE AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 1112-184, A REQUEST FOR REPAIR OF D5LL ROTATING ASSEMBLY AND CYCLO GEAR FOR THE WASTEWATER TREATMENT PLANT, PROVIDED BY ANDRITZ SEPARATION, INC., FOR A NOT-TO-EXCEED COST OF \$82,625.87, TO BE FUNDED FROM SEWER EQUIPMENT REPAIR AND MAINTENANCE ACCOUNT FUND FOR FISCAL YEARS 2011 / 2012 AND 2012 / 2013

9-5(D) POSSIBLE ACTION TO ACCEPT THE FIRE DEPARTMENT'S RECOMMENDATION ON PURCHASE ORDER NO. 2012-098, AND ACKNOWLEDGE THE EMERGENCY PURCHASE OF A 2012 FORD F350 CHASSIS FROM ROSS EQUIPMENT COMPANY, FOR A NOT-TO-EXCEED COST OF \$68,824.00, TO BE FUNDED FROM INSURANCE FUND ACCOUNT, AS PROVIDED IN FY 2011/ 2012, FILE NO. 1112-186

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9-5(E) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1112-186, A REQUEST TO HAVE THE BOARD OF SUPERVISORS DETERMINE THAT THE LISTED PROPERTY IS NO LONGER REQUIRED FOR PUBLIC USE AND DEEM ITS DISPOSAL DESIRABLE AND IN THE BEST INTERESTS OF THE CITY

9-6. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A NON-EXCLUSIVE UTILITY EASEMENT, BY AND BETWEEN THE STATE OF NEVADA, ACTING THROUGH THE NEVADA DIVISION OF STATE LANDS, FOR AND ON BEHALF OF THE NEVADA DEPARTMENT OF ADMINISTRATION, DIVISION OF BUILDINGS OF GROUNDS (GRANTOR), AND CARSON CITY (GRANTEE), WHEREBY THE STATE WILL GRANT THE CITY AN EASEMENT ACROSS ASSESSOR'S PARCEL NUMBER 004-122-01, FOR THE PURPOSES OF MAINTAINING AN EXISTING UNDERGROUND WATER DISTRIBUTION SYSTEM AND EXISTING ABOVE-GROUND SUPPORTING EQUIPMENT FOR WELL #49

9-7. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO APPROVE A TIME EXTENSION ON INTERLOCAL AGREEMENT AMENDMENT #1, PROVIDING FOR A COOPERATIVE WORKING RELATIONSHIP AMONG TEN AGENCIES FOR DEVELOPMENT OF THE STATELINE-TO-STATELINE BIKEWAY

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

10. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:57:23) - Please see the minutes for item 9-5(A).

11. SHERIFF - POSSIBLE ACTION TO ACCEPT AN AWARD FROM THE HELEN CLOSE CHARITABLE FOUNDATION IN THE AMOUNT OF \$20,000 (9:04:34) - Mayor Crowell introduced this item, and Sheriff Ken Furlong reviewed the agenda materials. Sheriff Furlong introduced Sergeant Humphrey and Deputy Surott, both of whom have worked very closely with the Helen Close Charitable Foundation "to replace one of our dogs this year. He's getting an early retirement ... and we would like to not only replace ... our canine, but expand the unit by one." Sheriff Furlong expressed appreciation for the generosity of the Helen Close Charitable Foundation. He acknowledged no aspect of the grant which would cause future concern. In response to a comment, he advised that training was "factored in." Sheriff Furlong advised of having invited Helen Close Charitable Foundation representatives to attend the meeting, "but they chose to be silent today." Mayor Crowell commended the generous gift and the value of the canines.

Mayor Crowell entertained comments of the officers and one of them provided background information on the Helen Close Charitable Foundation. Mayor Crowell entertained questions of the Board members and, when none were forthcoming, thanked the officers and commended their service. He entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to accept the award from the Helen Close Charitable Foundation in the amount of \$20,000. Supervisor Aldean seconded the motion. Motion carried 5-0.**

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12. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT, BY AND BETWEEN CARSON CITY AND VIDLER WATER COMPANY, INC., WHICH PROVIDES FOR DEDICATING AND BANKING CERTAIN WATER RIGHTS WITH CARSON CITY (9:08:20) - Mayor Crowell introduced this item, and Public Works Department Director Andy Burnham provided an overview of the proposed agreement. Mr. Burnham introduced Attorney Paul Taggart, who assisted in drafting the agreement, and Bruce Scott, of Resource Concepts, Inc. He introduced Vidler Water Company, Inc. representatives Steve Hartman and Jim Cavilia, who were present in the meeting room. Mr. Burnham advised of a requested revision to the agreement to replace the words "approval by Carson City staff" to "approval by the City Manager."

(9:10:21) Bruce Scott explained that the banking agreement "provides an umbrella for ... taking advantage of Carson City's situation as a public entity and a water purveyor to allow private individuals, in this case Vidler Water Company ... under this proposed agreement, to place water into the City's name under the City umbrella of water right holdings at the cost of ... Vidler Water Company for both the initial changes as well as the maintenance of those rights. A portion of the purpose of this ... is to preserve water in the basin or potentially in ... the Eagle Valley Basin, the Dayton Valley Basin, basins that Carson City is active in, to preserve that water from being cancelled or denied by the State Engineer for non-use or forfeited for non-use. And the City can do that under their umbrella without significant cost and certainly without cost to the City. Vidler, or others similarly situated, might benefit by having water in the bank, so to speak, so that when economic development improves, they will be able to use this water to provide will-serve letters through either Carson City or Lyon County or possibly a combination of both depending on the State Engineer's needs with regard to a subdivision approval. The other thing ..., in addition to what Andy mentioned which is the use of the water in the interim, ... this [is] a vehicle to help bring water to Carson City that can probably be here indefinitely from River sources to the benefit of some of our open space, some of our Silver Saddle areas, some of our Andersen and Jarrard acquisitions, and allow, in effect, the accumulation of some water rights at a very favorable or no cost. ... We are not in the business of purchasing water rights and haven't been now for the last couple years and ... this is a way to acquire water for use without purchasing and by using the City's umbrella, as the purveyor, and having the banking entity pay the cost to the City, provide both a benefit to the City as well as to the banking entity ..." Mr. Scott described the proposal as a "win-win," and "strongly recommended" the agreement. He expressed the opinion the proposed agreement has "strong potential to help us ... develop a vehicle for water uses in Carson City that aren't just pass-through subdivisions, in effect." He described the proposed agreement "as a way to avoid losses of forfeited water to other, smaller holders of water rights in Eagle Valley or Dayton Valley." He recommended approval of the proposed agreement.

Mr. Scott acknowledged the effect of the proposed agreement to preserve water rights for a private entity and the use of the water rights, during the interim, by the public entity. He explained that "a private entity wanting water in Lyon County or Carson City is going to have to have a subdivision approval that includes a will-serve commitment from a water purveyor, a utility. This simply gets it into the utility's name earlier in the process, allows the utility to use it in the meantime, and provides a protection ... from a more regional standpoint in that we don't want to lose any permitted water in this region. If water is cancelled or forfeited, it is not going to come back. ... It's very much, in the regional interest, to keep the water rights in good standing and this is another way of doing that." In response to a question, Mr. Scott advised that will-serve letters would either be issued by Carson City, if it's in the Carson City water service area, or by Lyon County. "... with the connection of Lyon County and Carson City, through the pipeline that Vidler

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has constructed, we can pump water in Carson City and deliver it to Lyon County for their will-serve. ... the regionalization of the water system has really helped the process of providing flexibility and production and location of water supplies.” Mayor Crowell inquired as to whether a financial transaction is associated with the will-serve. Mr. Scott explained, “It’s simply a subdivision approval. The will-serve is basically the utility writing a letter saying, ‘We have the water rights to serve this subdivision and here it is.’ They do have to pay a connection fee, of course, for the water service.” Mr. Scott acknowledged that water for the will-serve could be allocated from the banking water “subject to Vidler’s agreement if it wasn’t Vidler as the applicant. It could also come out of water rights that Carson City presently holds.” Mayor Crowell inquired as to the criteria Vidler would use to determine whether to approve granting a will-serve. Mr. Scott explained Vidler or its designee would submit an application to Carson City or Lyon County. Mr. Burnham advised of an initial \$500 / acre foot fee to hold the water and ultimately dedicate it. He explained that if Carson City ultimately serves the water to Lyon County, then Lyon County would have to pay Carson City’s associated costs. “So, there ultimately is no cost to Carson City ...” Mr. Burnham clarified that Carson City pays a fee to Lyon County for water. He advised of no anticipation to use the interim water for the purpose of building. Mr. Scott advised of independent water rights in Carson City under which will-serves could be issued. “There is some flexibility at the City level and we are not committing a resource that would come back to haunt us with regard to future requests for service.”

Mr. Burnham acknowledged that 56-acre feet is currently identified. “They could add water in the future ... That would be subject to approval by ... the City Manager or his designee.” He acknowledged that fire suppression would be a potential use for the water. Mr. Scott advised that first right of refusal was not specifically negotiated with Vidler “because we, frankly, have plenty of our own.” Supervisor Aldean noted the option represented by a first right of refusal. Mr. Burnham concurred that adequate water is available for build out. Supervisor Aldean suggested that including a first right of refusal provision would be reasonable in consideration of the mutually beneficial agreement. Mr. Burnham anticipates additional banking agreements with other parties, and Supervisor Aldean suggested keeping the first right of refusal provision in mind. Mr. Scott advised that Carson City has more water rights than can be delivered or would be required to be used for service. “One of the elements of this agreement ... especially valuable to Carson City is the potential for the City to issue will-serve letters not on the banked water but on water rights that we already hold and exchange that for other water rights that Vidler might bring to the City under the banking agreement. ... So, it’s not a first right of refusal but it’s a little different way this agreement might help us significantly in Carson City without actually having to buy water.”

Supervisor McKenna inquired as to any possibility “that this will drag us into either a legislative or a water master discussion concerning the Southern Nevada Water Authority and northern Nevada problems and a change in water law where we don’t end up with what we have; we’re in worse shape.” Mr. Scott anticipates no new obligations to Carson City under the proposed agreement. And any legal or cost issues associated with the State Engineer’s Office or litigation are pass through or are to be paid by Vidler under the proposed agreement. (9:25:42) Mr. Taggart described the proposed agreement as “standard,” used in a lot of communities. He didn’t anticipate the entry as leading to any new liability, either in litigation or through legislation. He clarified that “any time water law changes in the legislature, it affects everyone.” He reiterated the opinion that entering into the proposed agreement would not change the position regarding any type of legislative change. “This agreement specifies that if, for some reason, these water rights end up in litigation or a protest in front of the State Engineer, that Vidler will pay for the cost of addressing those issues and will handle all of that. So the City will not be exposed to having to defend water rights as a result of this agreement ...”

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Supervisor McKenna inquired as to whether the proposed agreement “will drag us into Lyon County development politics ...” Mr. Scott explained that the will-serve would have to be issued by Lyon County. Carson City may have to concur if the water is to be allocated from a Carson City well. “We are already contractually involved with Lyon County and enjoy a very good working relationship.” Mr. Scott anticipates no opportunity to “overrule in any way or play politics in Lyon County ...” Mr. Burnham advised that the agreement contemplates modification of the current agreement with Lyon County. In response to a further question, Mr. Taggart assured the Board that “protections” were included in the agreement “that whatever costs the City incurs that Vidler is supposed to reimburse or have to be paid by Vidler within a certain number of days. And when water is moved around or applied to a will-serve, we’ll make sure that any outstanding arrearages have been paid. So, we’ve put protections in there to make sure that whatever is owed is paid before the water is put to the permanent use that Vidler would like or ... someone it might assign the water rights to.” Supervisor McKenna clarified the intent of his comments were relative to “twenty years out, different people are in different places, laws change and it’s nice to have more rights than you ever need.”

Supervisor McKenna inquired as to what Carson City will do to ensure that temporary uses for the water don’t become permanent uses. Mr. Scott advised of “other rights and other resources and ... before we would commit banked water to something that, in essence, was a permanent use, we would step back and use other waters for that purpose or further an agreement that basically committed those water rights to Carson City permanently in exchange for other Carson City rights going to fulfill the needs under the banking agreement.” Mr. Scott expressed the opinion that committing the temporary water to a wetlands would be irresponsible. Supervisor McKenna requested that “something be built ... into the planning system” to ensure the temporary water rights are never assumed to be available or not considered. Mr. Scott explained that “another check in that system” will be the State Engineer’s Office.

In consideration of previous questions, Mr. Werner advised that the proposed agreement and the relationship developed between Carson City and Lyon and Douglas Counties “has been what’s kept us out of the issues that have been the Southern Nevada Water Project ... They use us as an example of how jurisdictions should work together cooperatively to be able to handle their own governance.” He noted the Carson Water Subconservancy District as “a big player” and “that’s kept us out of the issue of having the legislative subcommittee step in and try to do the kinds of things going on in Washoe County.” In consideration of a previous comment, Mr. Werner referenced the City’s Growth Management Ordinance and advised that permanent water rights are required to be filed annually. “... we do it building permit by building permit which is even a tighter control than other counties have.”

At Mayor Crowell’s request, Mr. Scott described the Vidler Water Company and Carson City / Lyon and Douglas Counties transactions relative to development of the waterline. In response to a question, Mr. Burnham advised that the waterline between Carson City and Lyon County has been dedicated to Lyon County. In response to a further question, he advised that Lyon County is responsible for its maintenance. He acknowledged that Vidler has the water capacity in the waterline. “It’s part of their agreement with Lyon County.” In response to a further question, Mr. Burnham advised that Carson City has no rights in the waterline. “Our agreement is with Lyon County where they can provide us water from that line, but we don’t have any rights in that line itself. ... the line that goes from ... the east side of town up to our border, there’s a portion of that line, the capacity is owned by the [Carson Water] Subconservancy District because they participated in upsizing of the cost of that line.” In response to a further question, Mr. Scott described the waterline sizes between Carson City and Douglas County and Carson City and Lyon County.

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In response to a further question, Mr. Burnham explained that the waterlines are sized based on the purchased capacity at a certain point in time. "Basically, 7,500 gallons a minute is what was contracted for ... and that's how we sized the line. ... timing is all relative." Mr. Scott advised of a sufficient capacity in all the waterlines to meet any projected peak demands anticipated with respect to needs in Carson City or between Carson City and Lyon County. Mr. Werner acknowledged the accuracy of the statement.

Mayor Crowell entertained additional questions or comments of the Board members and, when none were forthcoming, comments from the Vidler Water Company representatives. (9:43:25) Attorney Jim Cavilia commended Mr. Scott and Mr. Burnham on their presentation of the proposed agreement.

Mayor Crowell entertained public comment. (9:44:02) Jim Bagwell expressed no opposition to the proposed agreement, but "a problem since this entire system was hatched. We built a very extensive line from Douglas County to Carson City. It's capable of servicing a huge area." He expressed the opinion that no more than a thousand homes could be built in Carson City "if you utilized every inch that was available." He "fail[ed] to see how this benefits Carson City since we put thirty-plus million dollars in this line that we built and we appear to be the only payer ... for this line coming through Carson City and, yet, Lyon County ... they benefit very significantly. Vidler benefits significantly. ...we, the citizens here in Carson City, are going to pay for a long, long time. ... our water rates have went up ... exorbitantly ..." Mr. Bagwell questioned "that the water rates in Lyon County are anywhere near what we're paying and, yet what we've done, in the long term, benefits Lyon County." He expressed the opinion that costs associated with regional development have to be regional as well. He drew a comparison with the railroad. "Carson City paid the biggest portion of the railroad. We continue to pay the biggest portion of the cost overruns or shortages that we have and ... the same thing's going to occur with this water." He expressed the opinion that the Board should consider "carriage fees and some way of exposing Carson City to repayment ... for what we've done for the area to the east ..." He expressed the opinion that the Board has "a responsibility to [him] and every other citizen of this community when we've paid the kind of money ... paid to see this water line come through that we get reimbursed for the part of that water line that we don't use. And that water line ... benefits Lyon County more than it does us ..." He discussed cost overruns associated with the project.

In response to a question, Mr. Burnham advised that the cost of the transmission line between Carson City and Lyon County was paid for by Vidler Water Company, Inc. "The regional pipeline coming from Douglas County to Carson City isn't going to benefit Vidler. It's only going to benefit the residents of Carson City and the northern Douglas County area. None of that water is going to go, technically, to Lyon County. It's not for Lyon County and it's not going to be transmitted to Lyon County." In response to a further question, Mr. Burnham advised that the costs of the north / south transmission line between Douglas County and Carson City are paid "by the amount of water that ... is to be used. We contracted, basically, for the majority of the water; 59 percent of the water and so we're paying 59 percent of the costs and that's for the water rights that we've purchased from Minden, 1,250 acre feet plus the additional almost 2,000 acre feet of water that we owned in the Carson Valley that is now transferred to Minden to serve to us. So, about 3,250 acre feet of water will be served to Carson City ultimately when the project is completed and it'll be utilized by Carson City residents." In response to a further question, Mr. Burnham advised that the Indian Hills General Improvement District and Douglas County paid the remaining 41 percent of the cost. Mr. Werner clarified that the purpose of the pipeline was not to bring new water to Carson City "just for new water. It was an alternative to meet our arsenic and uranium requirements that our wells on the west side do not meet ... To treat for uranium was going to be about a \$40 million project. So the option became

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we could do the regional pipeline from Douglas County with our water rights and purchasing some more water rights from Minden, bring it here that's arsenic and uranium free, and we would not have to provide treatment on those west side wells and we actually could shut those down and meet our standards and blend them into things. But that was giving us additional water. Essentially, we're replacing water that was going to cost us \$40 million to treat for the existing residents or we could build this pipeline for the existing residents. This was not a growth-related issue. This was a water quality issue and people keep forgetting that. This is not for new subdivisions. If no new house was built, no new lot was ever put in Carson City, we would still need that regional pipeline to offset the uranium removal that we'd see on the west side."

Mr. Scott advised that Carson City has "more water rights than we can pump. We can pump more water than meets water quality standards. ... water rights that we can utilize is a relative thing. ... we can't deliver what we own today and the water we can deliver doesn't all meet the new standards so we are faced with this kind of combination of issues which is why the cheaper alternative was to go south and fund purchase of water rights from Minden as well as participate in the pipeline to bring water north as part of the regional system." In response to a question, Mr. Scott advised that no private entities, other than the contractors, were involved in construction or use of the north / south transmission line between Douglas County and Carson City. He acknowledged no capacity issues. He clarified that the Carson Water Subconservancy District ("CWSD") has portions of capacity and portions of the line by virtue of their prior participation in some of the Douglas County water mains that were in the ground. "South of Johnson Lane actually has CWSD participation. They have also participated in portions of the new pipeline with regard to the intertie, but there are no private entities."

In reference to Mr. Bagwell's statements, Supervisor McKenna inquired as to whether the City is in any way subsidizing the Vidler contract, whether Lyon County benefits at Carson City's expense, whether Vidler benefits at Carson City's expense. Mr. Scott advised that the City is not subsidizing Vidler or Lyon County with the proposed agreement. He described the proposed agreement as "revenue neutral. Any costs under this banking agreement are going to be reimbursed, as Mr. Taggart indicated, to Carson City. The administration of the water rights, keeping them in good standing will be reimbursed by Vidler." Supervisor McKenna clarified his inquiry as to whether the City is subsidizing Lyon County "by allowing the line to be in place, by putting water in the line." Supervisor McKenna expressed the understanding that "Vidler owns water rights and they want to transfer those to Lyon County and they can't do it right now because there's no need for it ... and they want us to hold on to their water rights, offer them a service to hold on to their water rights so that the State Engineer doesn't take them and, for that, we get compensated some cash and we get to use those water rights until they need them. But we're not going to increase our pumping capacity, we're not going to use our current pumping capacity, we're not going to use the southern construction to enhance the delivery of those water rights, at some future date, to Lyon County." Mr. Scott advised that "when those water rights are delivered to Lyon County, then ... Carson City is reimbursed under the water agreement based on the gallons actually utilized. The money in the agreement with Vidler that talks about the \$500 is designed to offset any infrastructure needs in Carson City associated with delivering that water to the Lyon County pipeline. So, in that regard, ... there are no unpaid for costs or no subsidies that would be anticipated." Supervisor McKenna inquired as to the method by which the amount was determined and determined to be adequate. Mr. Werner assured Supervisor McKenna that there is nothing from the southern waterline project that benefits Vidler or Lyon County. "It's strictly for Carson City. The only thing we're talking about that Vidler may have is the water rights that they're banking in

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those wells. ... If we end up pumping those to Lyon County as a part of the agreement, then we'll be reimbursed for the pumping of those rights ... but it's their water we're pumping, not ours, not stuff coming up from Minden."

Supervisor McKenna reiterated the inquiry relative to the \$500 reimbursement. Mr. Scott explained that the \$500 is "tied to the actual will-serve commitments." He clarified that Lyon County will, in effect, be a customer. "And so they're paying for their ... water that's being delivered just like any other customer or just like the rest of Lyon County on the water that goes through that line. He described the \$500 as a "very generous offset" in consideration of no need for additional infrastructure to deliver substantially more water to Lyon County from the Carson City system. "With the re-equipping of Well 41 and the status of Well 40, which are both in that vicinity, ... we have the ability to pump ... probably ten times as much water to Lyon County as we ever have under the current situation without any significant infrastructure change required in Carson City." Mr. Scott pointed out that the infrastructure being developed to better distribute water within Eagle Valley, as part of the north / south project from Douglas County, will also benefit the City's ability to deliver water to the Lyon County pipeline without any additional cost. ... that's one of the benefits is better distribution within our existing service area." Mr. Scott advised of no costs associated with any will-serve requests to be fulfilled through the proposed agreement. There will be a benefit. "They are not equated in any way because there's no way to equate them but, right now, the City's infrastructure capacity is being substantially improved as part of the current system. And that's going to be a benefit with regard to our ability to deliver water to the Lyon County pipeline."

Mr. Burnham advised that the City's agreement with Lyon County allows for recovering costs "so we can increase our rate to Lyon County based on our costs. So if we have infrastructure costs, we can amortize those into the rate structure that we charge Lyon County for any costs ... for delivery of water ..." Mr. Scott advised that "the attempt, all along, ... has been to be able to deliver that water without further cost to the rate payers in Carson City."

In response to a question regarding "dedications and cooperative measures" provided for in the proposed agreement, Mr. Scott advised that Vidler has drilled several test wells along the River for Carson City to try to determine a location for a third infiltration well. "Those were costly but not particularly productive. We do have hopes that we can go further south within the ... Jarrard portion of the Andersen Ranch and possibly do another test well. There's been discussion with regard to the connection from the proposed test wells, which were not anticipated to be unsuccessful but have been, to a Vidler transmission main construction from along the corridor to reach the Lyon County pipeline from infiltration wells that Vidler had proposed to build. So that's a contract that's partly occurred and the balance ... is in the process of being amended to reflect the reality that there were three or four unsuccessful test wells and now we've got to go to another one. Those are parts of the offset."

Mayor Crowell entertained additional public comment. (10:03:31) Attorney Wayne Chimarusti urged adoption of the proposed agreement in consideration of a client who is also interested in banking water rights. He expressed the understanding that the proposed agreement is intended as a template. .

Mayor Crowell entertained additional public comment and, when none was forthcoming, acknowledged the many questions relative to the benefits of the proposed agreement. Mayor Crowell entertained additional questions or comments of the Board members and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve and authorize the Mayor to sign an agreement, by and between**

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Carson City and Vidler Water Company, Inc., which provides for dedicating and banking certain water rights within Carson City, with the inclusion of the previously-stated revision. Supervisor McKenna seconded the motion. Motion carried 5-0. (10:06:21) Mayor Crowell recessed the meeting at 10:06 a.m. and reconvened at 10:21 a.m.

13. PUBLIC WORKS DEPARTMENT, BUILDING DIVISION - POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.05, BUILDING CODE, SECTION 15.05.020, ADOPTION AND ADMINISTRATION OF BUILDING AND CONSTRUCTION CODES, BY ADDING SECTIONS 109.3.5, ROOF NAIL INSPECTION, 109.3.7, INSULATION INSPECTION, 109.3.8, LATH AND GYPSUM BOARD INSPECTION, AND 109.3.10, ENERGY EFFICIENCY INSPECTIONS; REPEALING A PORTION OF SECTION 106.3, EXAMINATION OF DOCUMENTS, TO EXCLUDE EFFICIENCY INSPECTIONS; REPEALING A PORTION OF SECTION 106.3, EXAMINATION OF DOCUMENTS, TO EXCLUDE CERTAIN ITEMS FROM THE PLAN REVIEW PROCESS; REPEALING THE ADOPTION OF THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE AND ADOPTING THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE AND THE 2011 NORTHERN NEVADA AMENDMENTS; AND OTHER MATTERS PROPERLY RELATED THERETO (10:21:11) - Mayor Crowell introduced this item. Chief Building Official Kevin Gattis provided background information and reviewed the agenda materials. In response to a question, he advised that not adopting the ordinance would violate state law. He reviewed the adoption process relative to future revisions of the various building codes. In response to a further question, he provided additional background information on the proposed ordinance. He acknowledged that the energy conservation code is designated for residential and commercial projects nationwide. He further acknowledged additional revisions to the 2012 International Energy Conservation Code. In response to a further question, he advised there are currently an insufficient number of inspectors to perform the inspections. "... when the State of California implemented this, there was a shortage of inspectors but it created a business opportunity and a lot of people jumped on the bandwagon using this as a business. Currently, it's going to be a bit of a challenge."

In response to a question, Mr. Gattis advised of no need to purchase new equipment. "... the State Energy Commission had a program ... where jurisdictions could ... buy equipment, code books and things of that nature. ... Carson City is a good example ... we don't have the staffing or the equipment to do that. Regionally, talking with the other building officials, they're going to outsource that to third party ... for the same reasons that we do." Mr. Gattis advised of having purchased a number of code books and DVDs through the state to be given to contractors and design professionals. "There has been a lot of training regionally on the new energy codes. A lot of people have attended and a lot of people haven't, but it's definitely a learning curve ..." Mr. Gattis assured the Board of no additional cost to the City.

In response to a question, Mr. Gattis expressed optimism that people will become certified due to the need for inspectors. He assured the Board that regional representatives "will get together ... and figure out what we need to do to keep things going because we're certainly not going to stop everything." Supervisor Aldean discussed a concern regarding controlling costs so that property owners don't pay more than they should. Mr. Gattis acknowledged the concern. In response to a question, Mr. Gattis assured the Board that the Board of Appeals membership terms are current.

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Mayor Crowell entertained public comment. (10:31:27) Sheena Sharmin, representing the Builders Association of Western Nevada, thanked Mr. Gattis "for all of this. He's always been very reasonable to our building community and the amendments that he spent ... over a year working on are very reasonable and he always tries to look out for our best interests." Ms. Sharmin expressed appreciation for Mr. Gattis' "get it done" attitude. She expressed appreciation for the opportunity of working together with Mr. Gattis "on a seamless transition."

(10:32:34) Builders Association of Northern Nevada Government Affairs Director Jess Traver expressed appreciation for the professionalism of City staff. He advised that the 2009 International Energy Conservation Code "was kind of leveraged on all the communities in Nevada in the 2009 session through SB 73." He provided background information with regard to the same. In response to a question, Mr. Travers advised that building codes are "model codes and they're produced on a national level so that you have a technology. You incorporate all the expertise of the engineering associations and everybody else in the nation. ... It's ... provided to you through your membership with the International Code Council and you can adopt that code and the local entities have." He advised that the Board will likely always be in a position to adopt, amend, and enforce the code. "It's all tied to what you want to provide to your citizens and we want to keep it that way." In response to a question, Mr. Traver discussed the "public duty doctrine," and third party inspections.

In response to a question, Mr. Gattis explained that only an actual addition or remodel would be subject to Code compliance. There is no requirement to retrofit an entire structure due to an addition or remodel.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. Supervisor Abowd moved to introduce, on first reading, **Bill No. 105, an ordinance amending the Carson City Municipal Code, Title 15, Buildings and Construction, Chapter 15.05, Building Code, Section 15.05.020, Adoption and Administration of Building and Construction Codes, by adding Sections 109.3.5, Roof Nail Inspection, 109.3.7, Insulation Inspection, 109.3.8, Lath and Gypsum Board Inspection, and 109.3.10, Energy Efficiency Inspections; repealing a portion of Section 106.3, Examination of Documents, to exclude certain items from the plan review process; repealing the adoption of the 2006 International Energy Conservation Code and adopting the 2009 International Energy Conservation Code and the 2011 Northern Nevada Amendments; and other matters properly related thereto.** Supervisor Walt seconded the motion. Motion carried 3-2.

14. CLERK - RECORDER - POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTRASTATE INTERLOCAL CONTRACT, BETWEEN THE STATE OF NEVADA, ACTING BY AND THROUGH THE NEVADA SECRETARY OF STATE'S OFFICE, AND CARSON CITY (10:46:58) - Mayor Crowell introduced this item, and Mr. Glover reviewed the agenda materials. Supervisor Aldean noted necessary revisions to the resolution included in the agenda materials. In response to a question regarding the provisions of paragraph 7, Reimbursement Amount, Mr. Glover advised that the amount will be divided between Carson City and Douglas County.

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Abowd moved to adopt Resolution No. 2012-R-8, a resolution authorizing the Mayor to sign an Intrastate Interlocal Contract between the State of Nevada, acting by and through the Nevada Secretary of State's Office, and Carson City. Supervisor Walt seconded the motion. Motion carried 5-0.

15. CITY MANAGER - POSSIBLE ACTION TO ADOPT POLICIES AND PROCEDURES FOR THE CITY'S BOARDS, COMMISSIONS, AND COMMITTEES (10:50:34) - Mayor Crowell introduced this item. Mr. Werner provided background information, and reviewed the agenda materials in conjunction with displayed slides.

In reference to comments relative to the number of advisory boards, commissions, and committees, Supervisor McKenna discussed the importance of citizen input. He expressed a preference for considering, on an individual basis, the criteria for appointment to a board, commission, or committee. "A person who was convicted ... twenty years ago perhaps might be a good member. They are definitely a member of Carson City society and definitely have a right to ... an opinion ... A person that was convicted ... yesterday and is known for causing fist fights in the middle of bars and committee meetings probably shouldn't be on a board." Mr. Werner suggested requiring disclosure of the conviction and making appointment subject to the Board's discretion.

Supervisor Walt thanked Mr. Werner for preparing the proposed policy, noting the importance of consistency. She advised that she would read e-mail correspondence from Donna Curtis into the record during public comment. In consideration of the Operation Procedures and Committee Member Responsibilities section, she suggested providing for all elections of chair and vice chair to take place in January of each year and for a mandatory Open Meeting Law training session to be scheduled within six months of the appointment. Discussion followed, and Mr. Rombardo assured the Board that the chair and vice chair will be properly trained in Open Meeting Law procedures. Additional discussion took place regarding the provisions relative to annually rotating the positions of chair and vice chair. Supervisor Walt suggested that training should include information relative to the proper method by which to conduct a meeting. Mr. Werner advised of the intent to develop a manual based on the adopted policies and procedures, and suggested this would be the most appropriate place for information relative to conducting meetings. In response to a question, he advised that monitoring attendance would be done as part of the adopted policies and procedures. In response to a further question, Mr. Rombardo discussed District Attorney's Office representation of the advisory boards, commissions, and committees. Discussion followed.

Mr. Rombardo acknowledged that the District Attorney's Office reviews draft agendas to ensure compliance with the Open Meeting Law. In response to a question, Mr. Werner advised that he is in the process of developing procedures relative to the method by which City staff will represent the advisory boards, commissions, and committees. Supervisor Aldean noted the importance of said procedures in consideration of those advisory boards, commissions, and committees which do not have District Attorney's Office representation. "... you should be able to identify, by virtue of the nature of the agenda item whether or not legal counsel might be required ..." Supervisor Aldean thanked Mr. Werner and Karl Neathammer for the efforts invested in developing the proposed policies and procedures. In response to a question, Mr. Werner expressed the opinion that the proposed policies and procedures should supercede any existing advisory board, commission, and committee bylaws which are inconsistent with the provisions

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of the policies and procedures. He advised that he would work with the District Attorney's Office on appropriate language. In response to a question, he clarified that any advisory board, commission, or committee without bylaws would be required to operate under Robert's Rules of Order. "Realistically, we want to have bylaws."

In response to a question, Mr. Rombardo advised that the Open Meeting Law is usually revised in every legislative session. Supervisor Aldean suggested that advisory board, commission, and committee members only be required to participate in the Open Meeting Law training session once every two years. She expressed appreciation that the training sessions will be made mandatory. Mr. Werner suggested providing the training session to the advisory boards, commissions, and committees. Mr. Rombardo advised that the District Attorney's Office constantly monitors Attorney General's opinions "and if anything changes from past interpretations, we immediately contact all the committees and public bodies." Supervisor Aldean discussed the importance of the advisory board, commission, and committee members being subject to the training as "*de facto* representatives of the City." She expressed the opinion that requests for reappointment should be required to be made at least two weeks prior to the expiration of the term.

In consideration of the Criteria for Appointment, *Conflicts*, Supervisor Abowd expressed the opinion that "in terms of term limits, maybe the same sort of language should apply ... maybe you wait twelve months. Maybe it's 24 months before you can reapply, but it should be specifically stated."

Supervisor McKenna described the process of developing bylaws as "beating a herd of dead horses," and suggested providing a format and requiring advisory boards, commissions, and committees to adopt it. Mr. Werner advised of the intent to provide the template in the advisory boards, commissions, and committees manual, and "we would work, as staff and the District Attorney's Office, with that particular committee to fill in the blanks." Discussion took place regarding the method by which to require an applicant to disclose a record of conviction.

Mayor Crowell entertained public comment. (11:48:02) Supervisor Walt read into the record an e-mail communication from Parks and Recreation Commissioner Donna Curtis. In response to a question, discussion took place regarding the proposed provisions relative to background checks. Additional discussion took place to acknowledge and / or clarify various questions and comments from Ms. Curtis' e-mail.

(12:01:32) Jed Block recalled that voting rights are forfeited upon felony conviction. He expressed the opinion that the Open Meeting Law training should be available to all advisory board, commission, and committee members "not just the chair people." He expressed the further opinion the "City does a really good job at providing those courses and just having a quick, five or ten minute refresher at the beginning of each ... January / June ... might help ..." He expressed the further opinion that the Board of Supervisors should interview all advisory board, commission, and committee applicants. He expressed the further opinion that Access TV would be a good venue for announcing advisory board / commission / committee vacancies. He suggested "some discussion on how Robert's Rules of Order work." He expressed the opinion that the "applied authority" of Board of Supervisors liaisons to the advisory boards / commissions / committees "can be somewhat daunting to individuals." In response to a question, Mayor Crowell advised that specific membership criteria would allow for an individual to serve on more than one advisory board / commission / committee.

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(12:05:09) Jocelyn Diaz expressed support for convicted felons “rejoining the community and volunteering ...,” and strong disagreement with “someone ... convicted of domestic violence serving on committees.” She expressed the opinion that “singling domestic violence out, as an example, does diminish the severity of the crime ... and the worth of women.” She expressed the further opinion that “these people do have opportunities to serve in our community and volunteer but, as far as representing the citizens on committees, ... it’s appalling.” She thanked the Board of Supervisors “for everything [they] do.”

(12:06:32) Karl Neathammer commended Mr. Glover, his staff, and “learned counsel,” and provided background information on his involvement in development of the proposed policies and procedures. He discussed the importance of requiring background checks for advisory board / commission / committee applicants, and rotating the chair and vice chair. In response to a question, he suggested the possibility of advisory boards / commissions / committees exposing the City to liability. He deferred to District Attorney Neil Rombardo regarding whether a deputy district attorney should be present at every advisory board / commission / committee meeting. He suggested the criteria for establishing an advisory board / commission / committee should be based on a determination of “can it be handled by another agency?”

(12:16:15) Ward 2 Supervisor candidate Dennis Johnson referenced a recent Open Meeting Law presentation provided by Chief Deputy District Attorney Randal Munn to the Charter Review Committee, and suggested “that would work great for incoming people for at least a primer. It was a great presentation.” He discussed his opinions relative to resignation following a criminal conviction, fund raising, and serving as chair or vice chair. He inquired as to whether the proposed policies and procedures will be “retroactive to all of the committee members that we have at this time. ... are you going to hold new volunteers to a higher standard than the existing?” Mayor Crowell expressed the opinion that more consideration should be given to the proposal to require background checks. Mr. Johnson expressed the opinion that advisory board / commission / committee members should consider the time commitment prior to application. He noted privacy concerns associated with background check results.

(12:19:43) Lori Bagwell inquired as to the levels of background checks proposed. Mr. Werner reviewed the proposed process and advised that the City usually pays for the background check. In response to a question, Ms. Bagwell noted the requirement for registered voters to apply. “So your felony level ... is already taken care of for you. So, if you’re keeping the piece in there that says you have to be a registered voter, you’ve accomplished ... and now all you’re after is gross misdemeanor and misdemeanor offenses and ... those can be local checks and maybe you don’t have to go to the expense if you’re using the registered voter roles to tell you whether or not the person can be on the board.”

Mr. Glover advised of a number of registered voters with felony convictions, and reviewed the process by which voting rights can be reinstated. In response to a comment, he advised that jury questionnaires include a disclosure of felony conviction. He acknowledged that jury questionnaires are public documents. Discussion followed.

(12:26:24) Donna DePauw expressed opposition to the proposed policies and procedures, which she described as “making sure the citizens don’t come and participate in our program of being on committees.” She advised of having lived in Carson City since 1986 and “started applying for committees over a little over 20 years ago.” She discussed her experience as a Parks and Recreation Commission applicant, and described the Board as “a bunch of gods to a lot of people ... not looked at as the average person.” She advised of having made previous suggestions “on how to maybe bring down the costs on boards and

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commissions within this community.” To her knowledge, “those recommendations have not been looked at.” Ms. DePauw expressed the opinion that “if people are going to serve on committees, it shouldn’t necessarily have to be televised. It shouldn’t necessarily be in front of the Board of Supervisors. It should be on the committee that they’re serving ... This is about citizens. This is not about ... staff.”

In reference to the City’s Charter, Ms. DePauw advised that “the Charter Review Committee requires ... a D.A. at all of our meetings. It also requires that we have staff that does paperwork for the meetings. It also requires that we have a recording secretary. Nothing else.” She expressed the opinion “this limits the citizens that are on these boards and commissions totally ... of having input into what goes on the agenda and what doesn’t. It is being run by staff.” She advised of having “watched a Board of Supervisors meeting a few weeks ago saying how we don’t have enough help in our City government as it is.” By way of example, she advised of having called Recording Secretary Kathleen King “on April 25th around 10:15 a.m. ... in regard to an issue about the minutes for the Charter Review Committee. I was left a message to please call her back to talk to her and Janet Busse from the City Manager’s Office. I called back and ... they got on the phone and said, ‘Well, we’re going to have a conference call.’ This is Kathy King and this is Janet Busse and I’m Donna DePauw. I happen to be the Charter Review Committee’s chairperson, but I’m a citizen. Now, I have two staff members who are taking up my time and their time and I didn’t request to speak to both of them. I don’t know why I had to be spoken to by both of them, but I was. And, basically, all it was to ask for was a certain way that I would’ve liked ... to have the minutes for the committee when it is an item that is voted on by the people on the committee. I told Janet at the time I didn’t see why she needed to be on this phone call and she said, ‘Well, because I’m the liaison.’ Well, ... I’m sorry, I am asking a question of the ... recording secretary.” Ms. DePauw inquired as to whether she had been “singled out; if this is a process that is going to occur with every chairperson ... or maybe it’s not because, obviously, in these policies and procedures, the chairperson doesn’t get to make out the agenda and the agenda items. Staff does. We also, at the Board of Supervisors meeting a few weeks ago, just got done saying, ‘We don’t have the money. We can’t make anymore cuts,’ but yet, again, I spent twenty minutes on the phone with two people and that wasn’t necessary.” Ms. DePauw inquired as to “what paragraph relates in this procedure and policy to me having a conversation with two staff people.” She inquired again as to whether she had been “singled out or is this going to be a common practice for all chair people or any committee member that calls for staff.”

Mayor Crowell expressed the opinion that there was no intent to single anyone out, and that the proposed policies and procedures are “to provide adequate citizen input ..., to promote participation by everybody.” He disagreed that the proposed policies and procedures do not accomplish that. He expressed the opinion that staff was “trying to provide a mechanism where there are liaisons to these committees so that we can manage the work flow that comes out of these committees.” He expressed the further opinion that, as the liaison to the Charter Review Committee, Ms. Busse was interested in “what’s going on so that they could staff it. ... there’s nothing more ... to read into what’s happened there.” Mayor Crowell expressed the personal opinion that “it helps to have a liaison ... for all these committees because it is a work flow issue with us. One, we want to have the committees. Two, we want to have them function properly. ... three, we want to be able to provide adequate staffing for them and, in order to do that, you have to have some form of liaison.” By way of example, Supervisor Aldean advised of having addressed e-mails to Mr. Werner who, in turn, has another City staff person respond “because that happens to be their area of expertise. ... and then Larry will be copied on the reply e-mail. That’s just kind of standard procedure even

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at the Board level ... to direct those inquiries to the person who is in the best position to respond.” Supervisor Aldean “echo[ed] the Mayor’s comment” in the belief that Ms. DePauw was not “single[d] out for a special type of treatment. ... it’s a more efficient way of doing things.”

Ms. DePauw reiterated the opinion that the Board of Supervisors are “treated differently than the average citizen. You’re treated differently than the average person who comes before you or who sits on any of these committees and to be treated like that, it just almost looked like we had a paranoid government. ... it really sickened and saddened me that we had come to this level.” She expressed the belief “that there needs to be bylaws for everybody,” and disagreed with “one, single set of bylaws ... for one committee. We have not seen bylaws from the Board of Supervisors. They don’t go by bylaws since around 1999.” She advised of having “begged for bylaws ... on the Charter Review Committee ... right after Ms. Aldean had left to become supervisor. ... I could not stand the way that members were treating her and that is why I literally said that I was determined to get a set of bylaws for the Charter Review Committee and it was one of the hardest things I had to do.” Ms. DePauw expressed the opinion that “it is very important that every citizens committee has bylaws but not a standard set of bylaws. It does not go for every committee. Every single committee is different.” She expressed concern “that this is not being looked at as citizens. It’s being looked at by being governed by staff.” She advised of having “left other commissions because I felt that the commissions were getting too staff orientated. ... I have to agree with Donna Curtis on this where staff was getting to where the committee members were not trying to micromanage any of their services. We were trying to help the community and give input. And that’s what we’re there for is to hopefully stand up for the citizens that are out there that are afraid to speak out and aren’t comfortable with coming up here.” Ms. DePauw advised of having “cancelled two appointments today to be here,” and expressed displeasure “about it. But I have a real passion for it because I also believe that people who sit on boards and committees have some sort of passion for government or else they wouldn’t be here in the first place.” She expressed the opinion that the proposed policies and procedures “need a lot of tweaking.” She advised that “none of the citizens committee groups even had an opportunity to look at this policy and procedure and ... that is obscene. We are the ones sitting on these committees. We’re the ones who are bringing this information to you, not to City staff. We report to the Board of Supervisors and, yes, ... City staff has a certain obligation but to be running our citizens committees is not one of them. And telling us what we will agendize, what we won’t agendize and I had just, prior to that phone conversation with Kathy King and Janet Busse, ... made an appointment with Larry Werner and Janet to go over the agenda and get the input from the public that we had and from the other committee members who had sent me items that want things on the agenda. And I feel that this is very, very restrictive. And, as far as background checks, my background check is probably more thorough than most people on this audience or up on this board and it’s insulting to me, absolutely insulting. And if you’re going to pull somebody from a board, don’t wait 30 days. Do it now. Have enough guts to do it. Same with term limits. You guys regulate the term limits. There’s no need for term limits. You guys regulate them by deciding if people should be back on boards and commissions or not. I mean, come on.”

Supervisor Aldean expressed appreciation for Ms. DePauw’s service and her “sense of loyalty.” Supervisor Aldean read the last paragraph of *Preparation of Agendas*, at page 8, into the record, and suggested that the language provides for anyone placing an item on the agenda and they cannot be thwarted from doing that. In response to a question, Ms. DePauw stated, “... to me, it’s saying that I can’t pull anything but staff can. So, to me, it’s saying, ‘Well, if staff decides they don’t like this agenda item, they have the right to take it off but, yet, I, as a chairperson, or one of our members who we have a set of bylaws that allows it must go by three board members must request it or a member can request an item on the agenda. And I

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think our bylaws are real basic and they're good and I feel that what I see is staff has the right to control all this but we, as citizens, don't have that right. We can talk to them until we're blue in the face and that doesn't necessarily mean we'll get it on the agenda. ... there's always personality conflicts and it's just like you guys can take me off the board if you decide you don't like the color of my hair or something. Sorry, but that's the truth. ... now, this gives you the right to remove anybody from boards and commissions which I don't feel is appropriate." In reference to previous discussion, Supervisor Aldean expressed a preference for removing the "without cause" language. "But if there is legitimate cause for a person to be removed ... then that needs to be within our purview." Supervisor Aldean disagreed that the intent was to indicate staff has a unilateral right to prevent something from going on the agenda. She suggested adding sufficient language to the paragraph except in situations where counsel advises against agendaing an item. With regard to bylaws, Supervisor Aldean suggested the intent was "to provide a skeletal outline ... in terms of format and allow that skeleton to be fleshed out by the committee members." Ms. DePauw suggested that the Board of Supervisors could require bylaws of every advisory board, commission, and committee. "Every board and commission, including yourselves. If you haven't reviewed yours, you need to and if you don't like what's in it, you should make new ones."

Mayor Crowell read into the record a portion of the first paragraph of *Preparation of Agendas*, at page 8. "To me, that's a mandatory statement that an agenda item will be put on." He was "at a loss to understand where you say that somebody can't put an agenda item on, but maybe I'm misreading the words." Supervisor Aldean expressed the opinion that the Board could go on the record at this meeting to "not support any language that eliminated somebody's right to have something agendaed as long as it's within the scope of the committee's purview. ... that is my understanding of how it's currently written and that's my intent if we approve this language. ... that's a matter of record." Ms. DePauw expressed concern that the policies and procedures "can move along with ... whoever is sitting up there."

Mayor Crowell advised that the comments on the record would be considered. "... we're going to try and incorporate what we can ... and then we're going to have another discussion about it. ... This is something where we're trying to ... bring some degree of clarity to the number of boards and commissions we've got out there so that we're all operating on the same page and in the interest of transparency." Mayor Crowell "sense[d] ... there's an issue with respect to exactly what an advisory board is or is not." He suggested that he and Ms. DePauw "may have a difference of opinion on that." In reference to an earlier conversation with Ms. DePauw about the "Purpose and Authority" paragraph, at page 1, Mayor Crowell expressed the opinion "that's an accurate statement of the law ... surrounding an advisory committee." Ms. DePauw agreed that the "Purpose and Authority" paragraph accurately describes an advisory committee's authority. "What bothers me the most of all, it's in the first paragraph and the first paragraph is so negative that it doesn't make me want to sit on another board or commission. And when I sat on the Parks Commission the last time ..., we were constantly reminded ... that we were just an advisory board. We were just an advisory board and I agree with the fact that we're just an advisory board, but it made it feel like, 'Okay, well why am I even up here trying to represent the citizens of this community if they're not going to take it to heart and not hear what we're saying.' I mean, this is a lot of time I have taken and committed to and evenings and days and ... reading documents. I mean, I know you guys can all relate to that. And you don't actually get paid the big bucks but you get paid more than I do to be sitting on these boards and committees and I would like to see diversity in them. I'm just afraid we're pushing away more people than we're bringing in by too many rules and regulations."

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Ms. DePauw inquired as to the “process to have committees placed under the legislature.” Mr. Rombardo offered to discuss the matter with Ms. DePauw after the meeting. “This is considering policies and procedures for Carson City. ... This Board is the legislative body of Carson City. I’m the executive branch, Alan’s the executive branch, the Sheriff would be the executive branch, Dave Dawley, Al Kramer. So that’s what that’s referring to. It’s not referring to the State Legislature.” Ms. DePauw stated, “I got the impression because it was in the Charter and written up as an NRS statute that that was legislature.” Mr. Rombardo advised that the Charter Review Committee is established by state law. In response to a comment, he advised that the Parks and Recreation Commission is a local body. Mayor Crowell further clarified that “state law is generally designed to apply uniformly across the board ... with the exception of specific individual charters where ... those are adopted by the legislature. If you want to have another committee or a committee created by statute, that’s a legislative matter.”

Ms. DePauw expressed the opinion that the Board’s consensus was that the proposed policies and procedures were necessary. She requested the Board to “respect the citizens enough that sit on all the boards and committees ... to have the opportunity to review these policies and procedures, make their input to the respected board or staff. I think it’s only fair and I am saddened, again, that it was not even thought of; that we’re the people who are giving all this time and trying to give you the best input we possibly can ...” In reference to Mr. Munn’s Open Meeting Law presentation to the Charter Review Committee, Ms. DePauw discussed the importance of transparency. She expressed the opinion that “the people who are actually sitting on these committees really have the right to look at this. I had no idea it was coming. I had no clue and I listened to Karl [Neathammer] say that this has been in the works for two years. I have no idea who even authored all this stuff. I have no idea who looked at it. I would have liked to have known something about it before all of a sudden it showed up on the agenda of the Board of Supervisors meeting.”

In reference to the subject process, Mayor Crowell expressed a preference for vetting proposed policies and procedures in an open meeting. “For me, advisory committees are very important because ... they provide the first line of analysis for things that are coming up to the Board. It’s very important that those advisory committees have the time, expertise, and staff to make quality decisions so that ... when it comes back up here ... we can rely on what you say or at least have a better understanding of the issues so that we can make better decisions.” He expressed appreciation for Ms. DePauw’s attendance and participation, and the opinion that “the next step is to refine this, send it back out, and see where we go. ... we’ll tweak the language, we’ll make some changes, and then we’re going to have it back and we’ll take another look.” Ms. DePauw offered her input.

(1:00:20) Assemblyman Pete Livermore provided background information on the method by which the proposed policies and procedures came to his attention. “In all respect to whoever drafted this document ..., I find it not yet adoptable in any form but other than a draft form today. And I think you just admitted to that. It is a draft document and I was wishing, in the discussions I had with you a couple of times last week, that it be taken off the agenda and placed in draft form for other citizen comments and work on it. Because there are a lot of things that this document does and it brings a lot of things to light, whether weaknesses or strengths or whatever out there. But I’m hoping that you do not adopt this today as the agenda calls for and, when you post an agenda and this comes on an agenda with the wording to adopt this policy, you believe in the gospel truth of the black and white letter that’s on the document. It calls for adoption today. It doesn’t call for discussion and consideration. It doesn’t call for creation of a committee to oversee and overlook it. It doesn’t call for additional staff input or anything like that. ... you and I had this discussion about how many items in the document that I think needs to be discussed. There’s been a

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lot that's been presented here today. A lot that I agree with, a couple I probably wasn't aware of. I didn't see it that way. But, you know, look. Boards and committees starts right there at that podium right there. It starts with the five of you and ... when we established a committee which I was helpful in establishing a couple of boards and commissions, especially the Board of Health and the Cultural Commission and the process that establishing the ordinance that created that stuff and the bylaws and the formation of that. It was not something that you just did on a dime. It took a period of time to go through the process of reading the ordinances and having the public hearings and getting the support from a lot of the Board members for adoption of that. But it all starts there. Initially, I was going to talk about background checks but, you know, it starts with an advertisement to the public of asking the public its willingness to come forth and to be part of the City and provide its experiences, its background and its education and its ability to serve the government. Mr. McKenna said it exactly right." Assemblyman Livermore discussed the importance of verifying the references listed by applicants. "What you don't want to do is ... move the city from its citizens. And that's where you're headed. This document, as it's drafted today, further moves the citizens out of the city." In response to a request for clarification, Assemblyman Livermore expressed the opinion that "it's an onerous application process." Mayor Crowell requested Assemblyman Livermore to indicate, in the proposed policies and procedures, the language which makes the application process onerous. Assemblyman Livermore stated, "My reading of the document gives me the perception ... When you're going to do a background check on some and not a background check on all, when you're going to do things like that, people become intimidated."

Mayor Crowell requested additional clarification that the proposed policies and procedures disassociates the citizens from the City. Assemblyman Livermore commended the section on lobbying. "There's a statement about lobbying the legislator but it only calls for the citizen lobbyist. It doesn't call for your staff lobbyist. Your staff can go down, the department heads, can go down and lobby all they want and you're not knowledgeable of what positions they're taking on that. They didn't get your approval to do that. They just went down and lobbied because they were called by a lobbyist to come support some issue, whatever it is. ... that's the second issue, Citizens Right to Lobby." Assemblyman Livermore described City Hall as "an important, key element in this community. It's located in the heart of the community and it should be the heart and the pulse of this community." He advised of having "always encouraged people that called me how to get involved. ... You want to encourage that. You want to promote that. You want to develop those citizens because most people come out of those committees to sit on this Board. I came out of this committee to this Board. Ms. Aldean came out of a committee to this Board. Mr. McKenna came out of a committee to this Board ..." Assemblyman Livermore discussed his involvement in local government.

Supervisor Aldean provided background information on her involvement in local government, and expressed the opinion that the proposed policies and procedures are not intended to discourage people from participating. "We're attempting to raise the bar. ... And, frankly, ... this document elevates their level of importance." Assemblyman Livermore agreed, and expressed the opinion "the pathway you took to get here ... could have come to this meeting with 'draft' written all over it." Supervisor Aldean noted the agenda item language "For Possible Action." Assemblyman Livermore expressed an interest in assisting "the development of advisory boards." He expressed the opinion that "the process needs to be more transparent, more open," and suggested trying the policies and procedures with one committee to "see how it would function and work."

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Mayor Crowell inquired as to whether the subject process meets the goal of transparency and Assemblyman Livermore agreed that "it does from the public hearing you're having today. But the fear of when an agenda comes out that has a written policy in it that doesn't indicate that it's for discussion or draft for discussion and it could be changed, it could be modified, most people become not used to the process and become leery of government and some form of whatever's out there." Assemblyman Livermore inquired as to the number of people serving on the City's advisory boards, commissions, and committees, and expressed the opinion "it's important to hear from your citizen volunteers."

(1:10:26) Andrea Engelman stated "background checks are public information under NRS 239, the public records law, as well as 241 the Open Meeting Law, so there is no confidentiality in your background checks and your applications and so forth." She expressed the opinion that "background checks for citizens who are, in fact, volunteering their time and their expertise and not getting paid for it and really not getting much glory or a lot of thanks but are just doing it to try and help a community they care about and love ... is pretty atrocious. If they're going to be dealing with children, then yes, maybe there would be some justification for it. But, other than that, I think you're going to discourage a whole lot of people from volunteering their time and energy on any of these boards and commissions. You know, at the legislature, ... a lot of wise chairmen, if they have a controversial issue that they may have to bring up, will call the affected groups and float the proposal amongst them and ask for feedback ... before they would bring it to the committee, before they would expose it to the public to try and gauge what the flaws might be. And perhaps one of the processes that could have been used with this was to have sent it out to the boards and commissions and gotten their feedback before it came before you. Then possibly there wouldn't have been quite as much misunderstanding or things being misconstrued." Ms. Engelman advised of having shown the proposed policies and procedures "to one attorney in town and he said, 'Yeah, well, if this had been in effect twenty years ago, I never would have volunteered all my time and energy and effort.'" In response to a question of clarification, Ms. Engelman stated "the feeling was from this whole document that everything was being controlled by the City staff." At Mayor Crowell's request for specific clarification, Ms. Engelman stated, "it emanates from the document shall we say ... It's the entire document. Some of it's the background check ..." and she read a corresponding portion of the proposed policies and procedures into the record. Ms. Engelman read into the record a portion of the "Lobbying" paragraph, and discussion ensued. Mayor Crowell requested additional clarification, stating "the language you just read to me seems to be the current status of how we operate." Ms. Engelman advised of having sent "some positive language that would be clearer and not quite so threatening." She noted that "right underneath that is "Removal of Members, ... which implies that if you say something to a committee then we can remove you from your position on the committee." Supervisor Aldean reiterated the suggestion to include the language "without cause" in the "Removal of Members" paragraph. She expressed understanding for the concern over certain "nuances" in the language, and suggested "we can put a positive spin on almost anything." She offered to "recraft this and wordsmith it," and concurred with the Mayor's previous statement that "this is kind of summary of current policy in many cases. We've just never codified it and ... we do our boards and commissions a disservice just like by not making it mandatory that they attend a session on the Open Meeting Law if we don't provide them with some constructive guidance." Supervisor Aldean expressed the strong belief "that's the intent of this document."

Ms. Engelman advised that when she "started monitoring all of the boards and commissions agendas about six, seven months ago ..., they were horrible and, over the last few months, as I've made suggestions or complaints, ... we now have a standardized sort of agenda form that's very good and I think just about all the boards and commissions are using it. It uses the same language, it's consistent. They've gotten much

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better about being out on time. I mean, if I were a teacher giving a grade, this would be A minus. ... there's only one or two little glitches still ... And you're not alone. I work with the legislature. They're trying to ensure that all of their committee meetings fall under the Open Meeting Law which they now agree they do during the interim and they're working very hard. So, you're not alone. I bug a lot of people." Ms. Engelman expressed concern about EEOC regulations "and some of these things you're going to have to be very careful about. EEOC also is forbidding discouraging, in their newest regulations, retailers from doing background checks because they're finding background checks are discriminatory. So you have other areas that are involved in this too. ... and these are volunteers. These aren't even employees."

Mayor Crowell assured Ms. Engelman that further consideration will be given to background checks. He read into the record the "Alternatives" language from the agenda report, and noted "we've got a bunch of input. That's, to me, what transparency means. This is the method by which I get an understanding of what people are really saying rather than suspecting is out there ..." Mayor Crowell requested staff to consider the comments on the record, and expressed a preference to continue vetting the proposed policies and procedures in the open, public Board of Supervisors meeting. "... to me, that's the ultimate transparency. Let's have people talk to us." Ms. Engelman expressed the concern that "some people on boards and commissions didn't even know about this." Mayor Crowell expressed the opinion "there are a lot of suspicions going on here based upon individual facts which may or may not be applicable that are being extrapolated into a general document." He cautioned that no one on the Board has an agenda that is "trying to address any one of those suspicions. This is designed to try and bring some clarity to our boards and commissions and that's all it is. ... if we can present it in a more positive light, we'll take it up like that." Ms. Engelman suggested "it's easier to come before you and the legislature and get an item on the agenda than it is with this process." She requested the Board to consider the process for agendaizing an item "and see if it can't be simplified. Nowhere in here do you admit or acknowledge that there are citizen comments; that somebody could come before a board and ask to have something put on an agenda. Instead, you ask for it in writing fourteen days in advance." Discussion followed.

(1:22:27) Jed Block discussed the ease of accessibility for anyone interested in advisory board, commission, or committee agendas and backup materials. He thanked the Board of Supervisors and all the volunteers who serve on advisory boards, commissions, and committees.

(1:24:55) Jocelyn Diaz emphasized the importance of background checks for anyone serving on advisory boards, commissions, and committees. She expressed understanding for the "kinks that need to be worked out," and suggested "there are ways of correcting things." She expressed confidence in the community leaders to conduct background checks in a proper manner.

(1:26:58) Donna DePauw suggested scheduling the revised draft policies and procedures for an evening meeting.

Mayor Crowell entertained additional public comment; however, none was forthcoming. Consensus of the Board was to request Mr. Werner to consider the comments on the record and return with a revised version of the proposed policies and procedures. In response to a question, Mr. Werner proposed a method by which to address the background check issue. Discussion took place regarding various other suggestions for revision. Mayor Crowell entertained additional comments; however, none were forthcoming.

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16. BOARD OF SUPERVISORS NON-ACTION ITEMS:

STATUS REVIEW OF PROJECTS - None.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1:35:21) - Mayor Crowell requested Mr. Werner to agendize discussion and possible action for the Board of Supervisors to reduce their salaries by five percent "on the theory that we lead by example and we want to let people know ... that we take those issues seriously."

In response to a question, Mr. Rombardo advised that Andrea Engelman had expressed a concern that "Supervisor Abowd ... was directing staff ... to put on the agenda the ballot question. Ms. Engelman felt that her language was too specific in that she said, 'Come up with language,' meaning maybe specific language. I don't think that was her intent. She's shaking her head no, that wasn't her intent and that it was just to be an agenda item and that the staff would be responsible for the rest of it, just like every other agenda item." Supervisor Abowd acknowledged the accuracy of Mr. Rombardo's statements. Mr. Werner and Mayor Crowell advised that this had been their understanding, as well.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS

STAFF COMMENTS AND STATUS REPORTS

PUBLIC COMMENT (1:37:50) - Ward 2 Supervisor candidate Brad Bonkowski advised that he owns commercial properties in both redevelopment districts, as well as a primary residence in Ward 2. With regard to the proposed property tax rate increase, he expressed the understanding that the City's intent was to "bridge a 2012 / 2013 budget deficit of \$3.7 million with \$3 million coming from the proposed tax rate increase and the remaining \$700,000 to be paid from the general fund balance." He read a prepared statement into the record, copies of which he offered to provide to the Board members, Finance Department Director Nick Providenti, and Assessor Dave Dawley. Mayor Crowell entertained additional public comment; however, none was forthcoming.

RECESS AND RECONVENE BOARD OF SUPERVISORS (1:42:30) - Mayor Crowell recessed the meeting at 1:42 p.m., and reconvened at 5:30 p.m. A quorum of the Board was present; Supervisor Walt was absent.

17. CITY MANAGER - POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY OPEN SPACE ADVISORY COMMITTEE TO FILL A ONE-YEAR TERM THAT WILL EXPIRE IN JANUARY 2013 (5:31:01) - Mayor Crowell introduced this item, and invited Tom Baker to the podium. He thanked Mr. Baker for reapplying and inquired as to whether he had anything new to add since his last interview. (5:31:45) Mr. Baker commended the other applicants' qualifications, and discussed the importance of sufficient funding and "community support ... to make things happen." He expressed the opinion that "next to education, the open space and quality of life are the most important things we have to offer ... potential businesses and the community." In response to a question, Mr. Baker expressed a willingness to chair the Open Space Advisory Committee, if requested. He discussed his experience chairing other community committees.

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Supervisor Abowd inquired as to Mr. Baker's special knowledge relative to the Open Space Advisory Committee. Mr. Baker advised of having "over 30 years here in Carson City," having worked on "River issues, ... land use issues ..." He further advised of having "worked very closely with ... state, local, and federal agencies ... over the twelve years [he] was on the senator's staff." Supervisor Abowd further inquired as to Mr. Baker's innovative ideas relative to maintenance and management of acquired open space properties. Mr. Baker advised of having spent "a lot of time ... with Fire Safe Council ..." He discussed the value of volunteers.

Supervisor Aldean inquired as to Mr. Baker's opinion relative to merging the Open Space Advisory Committee, the Carson River Advisory Committee, and the Parks and Recreation Commission "as a cost saving measure and to improve efficiencies." Mr. Baker discussed the importance of "sit[ting] down with all the players and talk[ing] about the pros and cons ... before any decisions like that are made." He expressed no opposition, but was unable to support the concept "until hear[ing] all the different ramifications ..." In response to a further question, he expressed support for exploring the concept as an option.

Supervisor McKenna inquired as to the "role of off-highway vehicles in open space." Mr. Baker expressed the opinion that off-highway vehicles should be allowed to operate on designated trails. "It's an important part of recreation here in the State of Nevada but, on the other hand ..., there are a lot of areas ... you [don't] want to let off-highway vehicles run anyplace they want to because, all of a sudden, you start getting twenty roads to the same place and it really has a very negative impact." He again suggested discussing the issues with the users. He expressed opposition to off-highway vehicle use near residences. He expressed the further opinion that "the whole thing has to be looked at in balance as to what we can provide and in a way that the community is willing to accept."

Mayor Crowell thanked Mr. Baker and offered him the opportunity to provide further comment. Mr. Baker thanked the Board members.

Mayor Crowell invited Laura Fitzsimmons to the podium. (5:41:08) Ms. Fitzsimmons introduced herself for the record and, in response to a question, discussed her interest in serving as an Open Space Advisory Committee member and her experience with real estate transactions.

Supervisor McKenna inquired as to the role of off-highway vehicles in open space. Ms. Fitzsimmons described open space as "a commitment by not only the leaders of this community and the people that have been directly involved, but it was a financial commitment approved by the voters." She expressed the opinion that "off-road motorized vehicles ... are intrusive but ... there are a lot of people that enjoy that and, in the right area, responsibly ... just gets more people out there." She expressed the belief that "the users ... all have a responsibility to ... participate in talking with the City, with the people on the Open Space Committee, and with the other users, and ... making sure that needs are met for everyone." In reference to a California regional off-highway vehicle park, Supervisor McKenna inquired as to utilizing "a massive acreage on the east side of town and making it into a tourist attraction, off-highway vehicle, regional park." Ms. Fitzsimmons expressed the opinion that "anything that is first of all used by ... the people that live here and their families and their visitors is great and anything that ... brings people here is a plus. And if there is an area ... that would be wonderful. ... it's fun and people like it and if it brings tourist dollars, great."

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Supervisor Abowd inquired as to Ms. Fitzsimmons' willingness to chair the Open Space Advisory Committee, if requested. Ms. Fitzsimmons acknowledged a willingness, and discussed her experience with committees and subcommittees. In consideration of maintenance and management of open space properties, Supervisor Abowd inquired as to Ms. Fitzsimmons' innovative ideas. Ms. Fitzsimmons expressed the opinion that the "landscape provides the use. ... if we've got good acreage on the east side for motorized vehicles, that's great. There are uses that we know already ... One thing I would like to see is ... open space accessible to people with disabilities." She expressed the opinion that "the level of ... devotion people feel to their activities outside could create ... a bottom up" responsibility. She discussed concerns regarding overuse of certain open space areas, and the value of volunteers.

Supervisor Aldean inquired as to Ms. Fitzsimmons' opinion regarding merging the Open Space Advisory Committee, the Parks and Recreation Commission, and the Carson River Advisory Committee for the sake of cost savings and operational efficiencies. Ms. Fitzsimmons expressed the opinion that "if the mission of open space was to acquire ... and it's turning into management, if you believe that it creates any kind of a dysfunction to keep the Open Space Committee going, ... that would need to be articulated." She expressed reluctance to "see it subsumed within something ... because it is very different." She discussed concerns regarding the Open Space Advisory Committee not being independent. Mayor Crowell thanked Ms. Fitzsimmons for her attendance and participation.

Mayor Crowell welcomed Wayne Perock to the podium. (5:58:40) In response to a question, Mr. Perock discussed his interest in serving as an Open Space Advisory Committee member. He expressed the understanding that the Open Space Program is in transition from acquisition to management, and discussed his land management experience.

In consideration of the transition referenced by Mr. Perock, Supervisor Aldean inquired as to his opinion regarding merging the Open Space Advisory Committee, the Carson River Advisory Committee, and the Parks and Recreation Commission to save costs and improve efficiencies. Mr. Perock advised that the same proposal was considered during his previous Open Space Advisory Committee service, and expressed the opinion that "there are a lot of possibilities" between the Open Space Advisory Committee and the Carson River Advisory Committee. He expressed the further opinion that there are significant differences between the Open Space Advisory Committee's mission and the Parks and Recreation Commission's mission. "... it's a different emphasis."

Supervisor McKenna inquired as to Mr. Perock's opinion of the role of off-highway vehicles in open space. Mr. Perock expressed the opinion "there's a place for them," and concerns over "a certain element ... that tear up the landscape. They don't stay to designated roads or trails." He advised that his residence is near Prison Hill and that he sees the effects of off-road vehicles. "... there needs to be some more intense management of those resources." In reference to a California regional OHV park, Supervisor McKenna inquired as to "taking a massive amount of acreage on the east side of town and making it into a regional off-road vehicle park as a tourist-type attraction." Mr. Perock acknowledged the potential. "There's going to be costs in master planning it and developing it. California State Parks happens to own and operate that and they have rangers in that and they're very specific on how that's used. It would maybe eliminate some of the problems we're having on Prison Hill." He expressed the opinion that the existing open space property is not suitable to accommodate such a development. Supervisor McKenna expressed the opinion

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that licensing off-road vehicles may result in improved control. Mr. Perock described California's licensing program, and advised of efforts to license off-road vehicles in Nevada. "... I guess it's finally coming to be where there's a fee, but there's certain things and it's helping to support ... trails for off-road vehicles."

Supervisor Abowd inquired as to Mr. Perock's willingness to chair the Open Space Advisory Committee, if requested. Mr. Perock advised of having served as vice chair of the Tahoe Regional Planning Agency Board. "It's something I know how to do and could do. I understand the Open Meeting Law ... and I'd be willing to do that." In consideration of maintenance and management, Supervisor Abowd inquired as to Mr. Perock's innovative ideas. Mr. Perock stated "there's a lot of old ideas that are out that are still good and useful. Inventory and monitoring, using good science, are what you do to make your decisions about it."

Mayor Crowell thanked Mr. Perock and entertained additional comments; none were forthcoming. Mr. Perock thanked the Board for their consideration.

Mayor Crowell welcomed Paul Pugsley to the podium, thanked him for his reapplication, and inquired as to anything he'd like to add to his previous interview. (6:07:08) Mr. Pugsley indicated he had nothing to add. Mayor Crowell commended his impeccable credentials.

Supervisor Abowd inquired as to special knowledge that Mr. Pugsley would bring to the Open Space Advisory Committee, and he discussed his Carson Valley Conservation District and agricultural experience in consideration of open space property management. He noted the "huge transition issue to solve in finding a good ranching arrangement so that ... those grounds that are determined to be managed as ranch continue to be ranched well." Supervisor Abowd inquired as to Mr. Pugsley's willingness to chair the Open Space Advisory Committee, if requested, and he acknowledged his willingness.

Supervisor Aldean provided background information on the question regarding a willingness to chair the committee. Mr. Pugsley advised of having served as a Carson River Advisory Committee member for the last ten years, and that most of that time has been in the capacity of vice chair. In response to a question, he advised of having been recently appointed to a new term on the Carson River Advisory Committee. He acknowledged an intention to continue serving on the Carson River Advisory Committee if appointed to the Open Space Advisory Committee. Supervisor Aldean inquired as to Mr. Pugsley's opinion of exploring the idea of merging the Open Space and Carson River Advisory Committees. He acknowledged a willingness to consider the possibility and advised of having previously considered it "at the time it was discussed three years back." In response to a question, he recalled that the previous discussion was generated by a budget deficit. "We did, as a result of those discussions, go to every-other-month meetings. This may have been an internal Parks [Department] discussion as compared an issue overall or at the Board level. ... the River Advisory Committee has met jointly with the Open Space [Advisory Committee] several times. The discussion ... resolved ... to the point that we still had individual roles to play but we could play them ... with every-other-month meetings. We had less impact on staff in Parks which supports both committees so it was a logical conclusion to those discussions at that time."

Supervisor McKenna inquired as to Mr. Pugsley's opinion of the role of off-highway vehicles in open space. Mr. Pugsley expressed the opinion that "off-road vehicles are a form of recreation that ... we need to help support and sustain as something that's available within the confines of Carson City. We have a couple locations where they are actively used now." Mr. Pugsley expressed the opinion that the current

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off-road locations should not be “grow[n] any further because ... as a management of land, they’re very detrimental.” He suggested “we have a role to play, perhaps, for providing possibilities for these sorts of recreation. The other side of that coin is ... those need to be limited, much as we have limited ball fields and soccer fields and so forth. ... there’s an appropriate place for that activity and let’s define and then manage that location for that activity.” In reference to a California regional off-road vehicle park, Supervisor McKenna inquired as to the possibility of “taking a massive amount of acres on the east side town ... and creating an off-road park ... as a tourist-type of thing ...” Mr. Pugsley discussed concerns relative to management of the activity.

Mayor Crowell offered Mr. Pugsley the opportunity to provide further comment and, when none was forthcoming, thanked him for his attendance and participation and for his Carson River Advisory Committee service.

Mayor Crowell entertained discussion of the Board members. Supervisor Abowd disclosed that Tom Baker and Laura Fitzsimmons are former clients; that she serves on The Greenhouse Project Board with Laura Fitzsimmons; that she has been a guest at both Laura’s Hawaii and Berkeley, California homes, but that she would participate in discussion and action of this item. Mayor Crowell disclosed that Laura Fitzsimmons is his neighbor and that he has both a personal and professional relationship with Tom Baker. Supervisor Aldean disclosed that she had served with Wayne Perock on the TRPA Governing Board.

Mayor Crowell commended the four applicants’ qualifications, and the Board members discussed their preferences. Mr. Werner acknowledged the committee’s membership could be expanded by ordinance, and discussion followed. In response to a question, Parks and Recreation Department Director Roger Moellendorf advised that the Parks and Recreation Commission is comprised of nine members. Additional discussion followed, and Mayor Crowell requested Mr. Werner to reagendaize the item. Following additional discussion, Supervisor McKenna indicated support for Mr. Perock and Mayor Crowell indicated support for Ms. Fitzsimmons. Mr. Werner suggested randomly drawing a name, and the Board members concurred.

(6:30:32) In response to a question, Mr. Perock expressed the understanding that the position to be filled is an unexpired term covering six to seven months. He suggested settling the matter as soon as possible, and considering the other applicants if a decision is made to expand the committee membership. In response to a question, Mr. Pugsley requested to have his name withdrawn from consideration. He confirmed Mr. Perock’s suggestion to solve the matter at this meeting. The Board members commended his diplomacy.

Mayor Crowell proposed the method by which to draw the names, and the Board members and Mr. Munn concurred. Mr. Munn was designated to draw the name from a plastic pitcher, and drew Laura Fitzsimmons’ name. Mayor Crowell entertained a motion. **Supervisor Abowd moved to appoint Laura Fitzsimmons to the Open Space Advisory Committee to fill a one-year term that will expire in January 2013. Supervisor Aldean seconded the motion. Motion carried 4-0.** Mayor Crowell again commended the impeccable qualifications of the four applicants, and thanked them for their attendance and participation.

18. **PUBLIC COMMENT** (6:34:04) - Mayor Crowell entertained public comment; however, none was forthcoming.

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19. **ACTION TO ADJOURN** (6:34:13) - Supervisor Aldean moved to adjourn the meeting at 6:34 p.m. The motion was seconded and carried unanimously.

The Minutes of the May 3, 2012 Carson City Board of Supervisors meeting are so approved this _____ day of June, 2012.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder