

**Carson City
Agenda Report**

Date Submitted: March 19, 2013

Agenda Date Requested: March 25, 2013

Time Requested: 10 minutes

To: Mayor and Supervisors

From: City Manager

Subject Title: For possible action. Discussion and possible action to convey to the 2013 Legislature the Board's position on AB312 (BDR S-41), a bill to modify the City's Charter to provide for the appointment of Charter Committee members by public officials instead of nominating Charter Committee members and to set the date of appointment as January 1.

Staff Summary: The current City Charter provides that the legislators representing Carson City and the Board of Supervisors shall nominate at least one person to serve on the Charter Review Committee. The Board of Supervisors then shall determine the size of the committee and appoint members from those nominated. There has been a long history for this process and at the time that the Charter Review Committee was placed in the Charter, this issue was discussed and determined that this was the appropriate method for appointment to the committee. This issue was brought up to the Charter Review Committee in 2012 and the Charter Review Committee determined again that the current method is the appropriate method.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to convey to the 2013 Legislature that the Carson City Board of Supervisors (does) (does not) (would support with amendments as discussed) AB312 (BDR S-41), a bill to modify the City's Charter to provide for the appointment of Charter Committee members by public officials instead of nominating Charter Committee members and to set the date of appointment as January 1.

Explanation for Recommended Board Action: See above.

Applicable Statute, Code, Policy, Rule or Regulation: Carson City Charter

Fiscal Impact: None

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: N/A

Supporting Material: Carson City Charter, Materials from the Charter Review Committee and Board of Supervisors Meetings

Prepared By: Lawrence A. Werner, P.E., P.L.S.

Reviewed By: _____
(Department Head)

(City Manager)

(District Attorney)

(Finance Director)

Date: _____
Date: 3/18/13
Date: 3/19/13
Date: 3/19/13

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

SUMMARY—Makes various changes to the Charter of Carson City. (BDR S-41)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to the Charter of Carson City; revising provisions of the Charter relating to the Charter Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Charter of Carson City provides for the appointment of a Charter Committee to advise the Board of Supervisors concerning potential amendments to the Charter. (Carson City Charter §§ 1.080, 1.090) Currently, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City nominates at least one person for membership on the Charter Committee, and the Board appoints the members of the Committee. The Charter also provides that each member of the Committee serves a term concurrent with the term of the public officer who nominated him or her for appointment. (Carson City Charter § 1.080) **Section 1** of this bill revises the appointment process to provide that each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City is to appoint one member of the Committee. **Section 1** also provides that each member of the Committee serves a 2-year term, beginning on January 1 of each even-numbered year.



The current Charter also authorizes the Board of Supervisors to remove members of the Committee for good cause and requires the Board to fill any vacancy that occurs on the Committee. (Carson City Charter § 1.100) **Section 2** of this bill authorizes the public officer, or his or her successor, who has appointed a member of the Committee to remove the member with or without cause and fill any vacancy created by the removal or resignation of a member for the remainder of the unexpired term.

Section 3 of this bill provides that a member who is serving on the Committee as of the effective date of this bill (January 1, 2014) may continue to serve until the expiration of his or her term or until he or she is removed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1.080 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.080 Charter Committee: ~~{Nomination; appointment; terms;}~~ **Appointment;**
qualifications; compensation ~~{-}~~ ; **terms.**

1. The ~~{candidates for membership on}~~ **members of** the Charter Committee must be ~~{nominated}~~ **appointed** as follows:

(a) Each Supervisor shall ~~{nominate at least}~~ **appoint** one ~~{candidate;}~~ **member;** and



(b) Each member of the Senate and Assembly delegation representing the residents of the City shall ~~{nominate at least}~~ **appoint** one ~~{candidate}~~.

~~—2. The Board shall:~~

~~—(a) Determine the appropriate number of members of the Charter Committee from the candidates nominated; and~~

~~—(b) Appoint the members of the Charter Committee.~~

~~—3.} member.~~

2. Each member of the Charter Committee must:

(a) Be a registered voter in Carson City;

(b) ~~{Serve a term concurrent to the term of the public officer by whom he or she was nominated;~~

~~—(e)}~~ Reside in Carson City during his or her term of office; and

~~{(d)}~~ (c) Serve without compensation.

3. Each member of the Charter Committee serves a term of 2 years beginning on January 1 of each even-numbered year. Members may be reappointed for additional terms of 2 years in the same manner as provided for the original appointments.

Sec. 2. Section 1.100 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.100 Charter Committee: Removal ~~{}~~ **of members**; vacancies.

1. A member of the Charter Committee may be removed by the ~~{Board for:~~

~~—(a) Missing three consecutive regular meetings; or~~



~~—(b) Other good cause.~~ *Supervisor or Legislator, or his or her successor in office, who appointed the member.*

2. ~~{The Board shall fill any}~~ *Any* vacancy that occurs on the Charter Committee *must be filled* for the *remainder of the* unexpired term ~~{}~~, *in the same manner as provided for the initial appointment.*

Sec. 3. 1. Any person who is serving as a member of the Charter Committee of Carson City on January 1, 2014, and is qualified to serve in that capacity pursuant to subsection 2 of section 1.080 of the Charter of Carson City, as amended by section 1 of this act, may continue to serve until:

(a) The expiration of his or her term; or

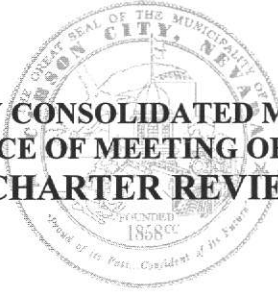
(b) He or she is removed pursuant to section 1.100 of the Charter, as amended by section 2 of this act.

2. Any person described in subsection 1 whose term expires on or after January 1, 2014, may be reappointed to the Charter Committee pursuant to section 1.080 of the Charter, as amended by section 1 of this act.

Sec. 4. This act becomes effective on January 1, 2014.



**CARSON CITY CONSOLIDATED MUNICIPALITY
NOTICE OF MEETING OF THE
CARSON CITY CHARTER REVIEW COMMITTEE**



Day: Monday
Date: June 25, 2012
Time: Beginning at 2:30 p.m.
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

Agenda

1. **Call to Order**

2. **Roll Call**

3. **Public Comments and Discussion:**

The public is invited at this time to comment on and discuss any item not on the agenda that is relevant to, or within the authority of, the Carson City Charter Review Committee. In order for members of the public to participate in the Committee's consideration of an agenda item, the Committee strongly encourages members of the public to comment on an agenda item during the item itself. No action may be taken on a matter raised under public comment unless the item has been specifically included on the agenda as an item upon which action may be taken.

4. **For Possible Action: Approval of Minutes - May 22, 2012**

5. **For Possible Action: Adoption of the Agenda**

6. For Possible Action: Discussion and possible action to change the Charter Section 3.075, Audit Committee - Internal Auditor; Appointment, compensation, duties; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.

7. For Possible Action: Discussion and possible action on an amendment to the Charter that doesn't allow additional fees of utilities to pay for state Medicaid/Medicare debt; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors. (Amy Clemens)

8. For Possible Action: Discussion and possible action to request the Board of Supervisors allow a ballot question to have supervisor by ward in the primary election; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.

9. For Possible Action: Discussion and possible action to change the Charter Sec. 1.080 - the candidates for membership of the Charter Review Committee must be appointed as follows: each supervisor, mayor shall appoint one candidate, each member of the senate and assembly delegation representing residents



of Carson City shall appoint one candidate; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.

10. For Possible Action: Discussion and possible action to change Charter 1.080 that appointments to Charter Review Committee be made when Legislators assume office or when sworn-in after general election, and the Board of Supervisors assumes office the 1st Monday in January, appointments to be made no later than the first Board of Supervisors meeting in February of each year; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
11. For Possible Action: Discussion and possible action to change the Charter for all mandated appointment positions on all Boards, Committees and Commissions where required be made by Board of Supervisors no later than the Board of Supervisors first meeting in February of each year; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
12. For Possible Action: Discussion and possible action on a Charter amendment that the Board of Supervisors review the Citywide Master Plan on a periodic basis either by segments or complete plan; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
13. For Possible Action: Discussion and possible action on a Charter amendment to require that when the Board of Supervisors considers spending more that \$20 million of City funds on a project it must go on the ballot and must have a majority vote of people before it can proceed; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
14. For Possible Action: Discussion and possible action that the Board of Supervisors must take responsibility for strict enforcement of all Municipal Codes in order to prevent further deterioration of neighborhoods and a further decline in property values and for the protection of safety of residents; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
15. For Possible Action: Discussion and possible action that the Economic Vitality Study be reviewed periodically by the Board of Supervisors; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
16. For Possible Action: Discussion and possible action to require members of the Board of Supervisors, the Mayor and all senior staff must take the same wage and benefit cuts that bargaining units negotiate; a. recommend change to Charter, b. recommend ballot question, c. recommendations to the Board of Supervisors.
17. Discussion of any new agenda items and discussion of the July 17, 2012 meeting.
18. **Public Comment** - The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.
19. **For Possible Action: To Adjourn**

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Supervisor Shelly Aldean. (2:49:20) Supervisor Aldean advised of having researched this matter and reviewed historic information with regard to the same. She distributed to the committee members and staff a position paper, drafted by the 2002 Charter Review Committee, and provided an overview of the same. She clarified she was not advocating or opposing ward primaries, but expressed a desire to "give you a flavor for the intensity with which this suggestion has been reviewed and re-reviewed, brought to the Board in various iterations." She expressed no problem forwarding the issue to the voters for decision in consideration of the "extraordinarily close" 1992 vote. Chairperson DePauw expressed appreciation for Supervisor Aldean's presentation in consideration of the fact that the issue has never been presented to the current Board of Supervisors. Supervisor Aldean noted the varying methods by which the issue has been presented to the Board of Supervisors over the years. She speculated that there would be little problem with allowing the voters to decide. "Rather than having this forwarded on to the legislature as a specific recommendation from the Board of Supervisors, ... if it went to the legislature ... as a recommendation to have this issue placed on the ballot to allow the voters to decide, that would probably gain more traction than actually recommending that the Charter be amended to accomplish this same thing." Discussion followed.

Chairperson DePauw entertained additional committee member questions or comments and, when none were forthcoming, advised that Andrea Engelman had called her prior to the meeting to convey "she still felt the same way about voting by ward." Chairperson DePauw again thanked Supervisor Aldean for her attendance and presentation.

Member Lincoln offered a motion. **Member Lincoln moved to recommend to the Board of Supervisors to allow a ballot question to have the nomination by ward in the primary election and election at large in the general election.** In response to a question, Mr. Munn advised that the agenda item indicates only the primary election "so at large would be unchanged for the general election." **Member Barnett seconded the motion.** Following discussion, **Member Lincoln amended his motion to clarify election by ward in the primary with the top two winners advancing to the general.** Member MacKenzie expressed support for the amendment, and thanked Member Lincoln for the clarification. In response to a question, Member Lincoln suggested the outcome of the ballot question would determine the Charter amendment. Mr. Munn advised that the Legislative Counsel Bureau would ensure resolution of any conflict in the language of the Charter. Discussion took place to clarify the intent of the motion and the committee members expressed opinions with regard to the same. **Member Barnett continued her second.** Following additional discussion, Chairperson DePauw requested a roll call vote. **Members Messina, MacKenzie, Lincoln, Joiner, Fregulia, Barnett, Chair DePauw - Yes; Member Allen and Vice Chair Robertson - No. Motion carried 7-2.**

9. **"DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER, SECTION 1.080 - THE CANDIDATES FOR MEMBERSHIP OF THE CHARTER REVIEW COMMITTEE MUST BE APPOINTED AS FOLLOWS: EACH SUPERVISOR, MAYOR SHALL APPOINT ONE CANDIDATE, EACH MEMBER OF THE SENATE AND ASSEMBLY DELEGATION REPRESENTING RESIDENTS OF CARSON CITY SHALL APPOINT ONE CANDIDATE; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS."** (3:13:15) - Chairperson DePauw introduced and provided background information on this item. Mr. Munn advised that revisions to the subject Charter section would involve deleting references to "nomination" and the words "at least." Discussion took place to clarify the purpose of the agenda item, and Member Joiner expressed the opinion

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that an elected official's appointment should never be questioned. He suggested eliminating paragraph 2, and expressed the further opinion that "in this case, ... the State needs to tell us how to do it because it should be the same for all charter communities."

Member Joiner moved to accept the language of paragraph 1, to appoint and not nominate, eliminate paragraph 2, and retain paragraph 3. Member Lincoln seconded the motion. Chairperson DePauw entertained discussion. In response to a question, she expressed the belief that the process is broken and needs fixing. She reviewed the history of appointments to the committee, and advised that the nomination process was implemented in 1999. Following discussion, Member Joiner amended his motion to indicate appointment of a member to the committee. Member Lincoln continued his second. Mr. Werner reviewed the history of appointments to the committee, noting the many years two State senators did not offer a committee appointment. He expressed concern with regard to an even-numbered committee. Discussion followed, and Member Joiner suggested providing for the mayor to appoint two committee members in the event a legislator chose not to appoint. Member Joiner amended his motion to indicate that the supervisors appoint one member and the mayor up to two. Member Lincoln refused to continue his second, and called the question. Chairperson DePauw requested a roll call vote. Members Messina, MacKenzie, Fregulia, Allen, Vice Chair Robertson - No; Members Lincoln, Joiner, Barnett, Chair DePauw - Yes. Motion failed 4-5.

10. "DISCUSSION AND POSSIBLE ACTION TO CHANGE CHARTER 1.080 THAT APPOINTMENTS TO CHARTER REVIEW COMMITTEE BE MADE WHEN LEGISLATORS ASSUME OFFICE OR WHEN SWORN-IN GENERAL ELECTION, AND THE BOARD OF SUPERVISORS ASSUMES OFFICE THE 1ST MONDAY IN JANUARY, APPOINTMENTS TO BE MADE NO LATER THAN THE FIRST BOARD OF SUPERVISORS MEETING IN FEBRUARY OF EACH YEAR; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:31:24) - Chairperson DePauw introduced this item and entertained questions of the committee members. She noted there were no other citizens present in the meeting room. In response to a question, she clarified the purpose of the agenda item and discussion followed.

Chairperson DePauw entertained additional questions or comments and, when none were forthcoming, a motion. **Member Joiner moved to change Charter Section 1.080 that appointments to the Charter Review Committee be made when legislators assume office or when sworn in after general election, and the Board of Supervisors assumes office the first Monday in January, appointments to be made no later than the first Board of Supervisors meeting in February of each year. Chairperson DePauw passed the gavel to Vice Chairperson Robertson and seconded the motion. Member Lincoln expressed the opinion that the subject issue did not necessitate a Charter amendment, and discussion followed. Chairperson DePauw entertained additional comments and, when none were forthcoming, called for a vote on the pending motion. Motion failed 2-7.**

11. "DISCUSSION AND POSSIBLE ACTION TO CHANGE THE CHARTER FOR ALL MANDATED APPOINTMENT POSITIONS ON ALL BOARDS, COMMITTEES, AND COMMISSIONS WHERE REQUIRED BE MADE BY BOARD OF SUPERVISORS NO LATER THAN THE BOARD OF SUPERVISORS FIRST MEETING IN FEBRUARY OF EACH YEAR; (A) RECOMMEND CHANGE TO CHARTER; (B) RECOMMEND BALLOT QUESTION; (C) RECOMMENDATIONS TO THE BOARD OF SUPERVISORS." (3:38:09) - Chairperson DePauw

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- RESOLUTION NO. 5

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS RECOMMEND TO THE LEGISLATURE THE ADDITION OF THE CHARTER REVIEW COMMITTEE TO THE CARSON CITY CHARTER AND OTHER MATTERS PROPERLY RELATED THERETO.

BE IT RESOLVED, by the 1998 Carson City Charter Review Committee (the "Committee"), created by Resolution Number 1991-R-52 of the Board of Supervisors of Carson City (the "Board"), that the following additions to the Carson City Charter be recommended by the Board to the Nevada Legislature:

SECTION I:

Sec. 1.080 Charter committee: Qualifications: selection: term of office.

1. The charter committee candidates must be nominated as follows:

(a) At least one by each member of the Board of Supervisors.

(b) At least one by each member of the senate and assembly delegation representing the residents of Carson City.

2. The Board of Supervisors shall appoint eleven (11) charter committee members from the list of candidates provided, and appointments shall be confirmed by the entire Board of Supervisors.

3. Each committee member shall:

(a) Serve for a term concurrent to the term of the Board member, or the state representative who nominates the member;

(b) Be a registered voter in Carson City; and

(c) Reside in Carson City during his or her term of office.

(d) Serve without compensation.

Sec. 1.090 Charter committee: Meetings: duties.

1. The charter committee shall:

(a) Elect a chairperson from among its members who shall serve a one (1) year term.

(b) Meet at least once every two (2) years immediately before the beginning of each regular session of the Nevada Legislature and when requested by the Board of Supervisors or the

1 chairperson of the committee.

2 (c) Advise the Board of Supervisors regarding proposals for all necessary amendments to
3 the Carson City Charter .

4 (d) Assist the Board of Supervisors in the timely preparations of the recommendations for
5 the Legislative Council Bureau so that changes can be properly analyzed by the Nevada Legislature.

6 Sec. 1.100 Charter committee: Removal: grounds.

7 1. Members of the Charter Review Committee may be removed by the Board of Supervisors
8 for:

9 (a) Missing three (3) consecutive regular meetings; or

10 (b) Other good cause.

11 2. The Board of Supervisors shall fill any vacancy for the unexpired term.

12 SECTION II:

13 That no other provisions of the Carson City Charter are affected by this resolution.

14 ADOPTED THIS 15 day of July, 1998.

15 AYES: Members Shelly Aldean Dick Murray

16 Blair Allen James Cavilia, Chairperson

17 Vivian Pickett Tunney Robison

18 Pat Jackson

19 Paul Webster

20 NAYES: Members Donna Kuester

21 _____

22 ABSENT: Members Colette Bureau

23 Lucille Zuend

24 
25 JAMES CAVILIA, Chairperson

26 ATTEST:

27 ALAN GLOVER, Clerk-Recorder

28

**CITY OF CARSON CITY
REQUEST FOR BOARD ACTION**

DATE SUBMITTED: 7/29/98
FROM: Charter Review Committee

DATE REQUESTED: 8/6/98
TIME REQUESTED: 15 min.

SUBJECT TITLE: Action on a resolution recommending to the legislature the addition of the Charter Review Committee to the Carson City Charter and other matters properly related thereto.

TYPE OF ACTION REQUESTED: (Check One)

- Resolution Ordinance
 Formal Action/Motion Other (Specify)

RECOMMENDED BOARD ACTION: I move to approve Resolution 1998-R- 50 a resolution recommending to the legislature the addition of the Charter Review Committee to the Carson City Charter and other matters properly related thereto.

DISCUSSION: The Charter Review Committee has not been incorporated into the Carson City Charter. Passage of this resolution would incorporate the committee into the charter and specifically describe their appointments, duties and the process that is followed to remove and replace a member.

FISCAL IMPACT: none

Reviewed By: John Bush Date: 7/29/98

Reviewed By: Paul Appicelli Date: 7/28/98

Reviewed By: _____ Date: / /

Reviewed By: _____ Date: / /

BOARD ACTION:

Motion 1998-R-50 1: 113 (Aye) : (Nay)
to #2 2: 65

(Vote Recorded By) 4-0-01 TT ab

1 RESOLUTION NO. 1998-R-50

2 A RESOLUTION RECOMMENDING TO THE LEGISLATURE
3 THE ADDITION OF THE CHARTER REVIEW COMMITTEE TO
4 THE CARSON CITY CHARTER AND OTHER MATTERS
5 PROPERLY RELATED THERETO.

6 BE IT RESOLVED, by the Board of Supervisors of Carson City, that the following addition
7 to the Carson City Charter be recommended to the Nevada Legislature:

8 SECTION I:

9 Sec. 1.080 Charter committee: Qualifications: selection: term of office.

10 1. The charter committee candidates must be nominated as follows:

11 (a) At least one by each member of the Board of Supervisors.

12 (b) At least one by each member of the senate and assembly delegation representing the
13 residents of Carson City.

14 2. The Board of Supervisors shall appoint ~~eleven (11) charter committee members from the~~
the appropriate number of charter committee members
as determined in Sections 1.07.0.
15 list of candidates provided, and appointments shall be confirmed by the entire Board of Supervisors.

16 3. Each committee member shall:

17 (a) Serve for a term concurrent to the term of the Board member, or the state
18 representative who nominates the member;

19 (b) Be a registered voter in Carson City; and

20 (c) Reside in Carson City during his or her term of office.

21 (d) Serve without compensation.

22 Sec. 1.090 Charter committee: Meetings: duties.

23 1. The charter committee shall:

24 (a) Elect a chairperson from among its members who shall serve a one (1) year term.

25 (b) Meet at least once every two (2) years immediately before the beginning of each
26 regular session of the Nevada Legislature and when requested by the Board of Supervisors or the
27 chairperson of the committee.

28 (c) Advise the Board of Supervisors regarding proposals for all necessary amendments to
the Carson City Charter.

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(d) Assist the Board of Supervisors in the timely preparations of the recommendations for the Legislative Council Bureau so that changes can be properly analyzed by the Nevada Legislature.

Sec. 1.100 Charter committee: Removal: grounds.

1. Members of the Charter Review Committee may be removed by the Board of Supervisors for:

- (a) Missing three (3) consecutive regular meetings; or
- (b) Other good cause.

2. The Board of Supervisors shall fill any vacancy for the unexpired term.

SECTION II:

That no other provisions of the Carson City Charter are affected by this resolution.

ADOPTED THIS ___ day of _____, 1998.

AYES: Members _____

NAYES: Members _____

ABSENT: Members _____

 RAY MASAYKO, Mayor

ATTEST:

 ALAN GLOVER, Clerk-Recorder

source is from Capital Outlay, Miscellaneous Capital, and Northgate. Supervisor Plank seconded the motion. Motion carried 3-0.

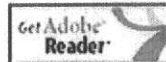
Mayor Masayko noted for clarity of the record that Supervisor Smith had left prior to the beginning of the discussion on this item due to a need to return to his office. He had not left to avoid participation on the issue. He had indicated that he was quite comfortable with this proposal.

BREAK: There being no other matters for consideration prior to the agendized 6 p.m. issues, a recess was declared at 2:15 p.m. At 6 p.m. Mayor Masayko reconvened the session. A quorum of the Board was present although Supervisor Tatro was absent. Staff members present included: City Manager Berkich, Sheriff Banister, Treasurer Kramer, Information Services Director Naylor, Chief Deputy District Attorney Lipparelli, Assistant Fire Chief Mihelic, EMS Battalion Chief Pirozzi, and Recording Secretary McLaughlin.

13. **CHARTER REVIEW COMMITTEE** - Vice Chairperson Shelly Aldean and Member Dick Murray - Mayor Masayko convened the session by commending the Committee members on their dedication and service. Vice Chairperson Aldean introduced Committee Members Donna Kuester and Tunney Robison, who were also in attendance. (A quorum was not present.) She also indicated that another Resolution had been overlooked. This resolution had provided for the election of Supervisors from Wards and will be agendized for a future meeting.

* **A. ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE THE ADDITION OF THE CHARTER REVIEW COMMITTEE TO THE CARSON CITY CHARTER AND OTHER MATTERS PROPERLY RELATED THERETO (2-2805.5)** - Mayor Masayko suggested Item 2, Line 13, be amended to read: The Board of Supervisors shall appoint the appropriate number of charter committee members as determined in Sections 1. a. and b. Supervisor Bennett moved that the Board adopt Resolution No. 1998-R-50, A RESOLUTION RECOMMENDING TO THE LEGISLATURE THE ADDITION OF THE CHARTER REVIEW COMMITTEE TO THE CARSON CITY CHARTER AND OTHER MATTERS PROPERLY RELATED THERETO with the changes are recommended to Section 1, Subparagraph 2, regarding the appropriate number. Supervisor Smith seconded the motion. Motion carried 4-0.

B. DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION RECOMMENDING TO THE LEGISLATURE AN AMENDMENT TO THE CARSON CITY CHARTER ALLOWING THE CITY MANAGER TO APPOINT CLERICAL PERSONNEL WITHOUT BOARD OF SUPERVISORS APPROVAL AND FURTHER ADDING TO THE CARSON CITY CHARTER THE RIGHT OF THE BOARD OF SUPERVISORS TO REVIEW RECOMMENDATIONS MADE BY THE CITY MANAGER REGARDING THE APPOINTMENT OF ADMINISTRATIVE ASSISTANTS AND OTHER MATTERS PROPERLY RELATED THERETO (2-3015.5) - Clarification indicated that the term administrative assistant applied to the deputy city manager. Mr. Berkich explained that the Board currently has two contracted employees and delegates to them the responsibility for administration of the government. The deputy city manager is not the "heir apparent" to the city manager nor is he/she automatically appointed city manager. The pros and cons of the proposal were debated. Supervisor Smith felt that the issue is one of trust. Without trust in the city manager, there will be key quality relationship issues involved and the entire situation needs to be evaluated. Supervisor Bennett pointed out the accountability feature involved with the current process. Vice Chairperson Aldean pointed out that the current language allows the Board to review the City Manager's appointments. The change will allow the Board to approve the candidate. Mayor Masayko felt that, if the change is made, all department heads could be included, not just the deputy city manager. Member Murray felt that the Committee needs to review the Charter and City practices. Mr. Berkich explained that his contract permits him to hire/fire his employees. The budget process authorizes the funding for the positions. Mayor Masayko noted the ordinance which establishes the job titles and its ability to provide a check and balance against the positions employed by the City Manager. The resolution would have the Board involved with the selection of individuals. Supervisor Plank suggested the term approval be replaced by consent. Supervisor Bennett suggested a modification to Section 2 to have it read: The manager may appoint such clerical personnel as he considers necessary, and create such administrative assistant positions as he considers necessary subject to the review and approval of the board. Supervisor Plank supported



AB539

Introduced on Mar 15, 1999

By Government Affairs,

Fiscal Note

Effect On Local Government: Yes

Effect on the State or on Industrial Insurance: No

Makes various changes to charter of Carson City. (BDR S-686)

Current Status: In Assembly at Governor

Hearings

Assembly Government Affairs Apr-02-1999 No Action

Assembly Government Affairs Apr-05-1999 Do pass

Senate Government Affairs May-10-1999 No Action

Senate Government Affairs May-11-1999 Amend, and do pass as amended

Assembly Government Affairs May-18-1999 Concur

Votes

Assembly Final Passage Apr-09 42 Yea , 0 Nay , 0 Excused , 0 Not Voting , 0 Absent

Senate Final Passage May-18 21 Yea , 0 Nay , 0 Excused , 0 Not Voting , 0 Absent

Bill Text (PDF)	As Introduced	1st Reprint	As Enrolled
Bill Text (HTML)	As Introduced	1st Reprint	As Enrolled
Amendments (HTML)	Amend. No.881		

Mar.15,1999

- Read first time. Referred to Committee on Government Affairs. To printer.

Mar.16,1999

- From printer. To committee.

Apr.06,1999

- From committee: Do pass.

Apr.07,1999

- Read second time.

Apr.08,1999

- Taken from General File.
- Placed on General File for next legislative day.

Apr.09,1999

- Read third time. Passed. Title approved. (Yeas: 42, Nays: None).
- To Senate.

Apr.12,1999

- In Senate.
- Read first time. Referred to Committee on Government Affairs. To committee.

May.15,1999

- From committee: Amend, and do pass as amended.

May.17,1999

- Read second time. Amended. (Amend. No. 881). To printer.

May.18,1999

- From printer. To engrossment.
- Engrossed. First reprint.
- Read third time. Passed, as amended. Title approved. (Yeas: 21, Nays: None). To Assembly.

May.19,1999

- In Assembly.

May.20,1999

- Senate Amendment No. 881 concurred in.
- To enrollment.

May.24,1999

- Enrolled and delivered to Governor.

May.28,1999

- Approved by the Governor.

May.29,1999

- Chapter 341.

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As Enrolled

Assembly Bill No. 539—Committee on Government Affairs

CHAPTER.....

AN ACT relating to the charter of Carson City; providing for a charter committee; increasing the salary of the mayor; revising the restriction on certain city officials engaging in any other business or occupation; making various other changes to the city charter; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The charter of Carson City, being chapter 213, Statutes of Nevada 1969, is hereby amended by adding thereto new sections to be designated as sections 1.080, 1.090 and 1.100, respectively, immediately following section 1.070, to read as follows:

Sec. 1.080 Charter committee: Nomination; appointment; terms; qualifications; compensation.

1. The candidates for membership on the charter committee must be nominated as follows:

(a) Each supervisor shall nominate at least one candidate; and

(b) Each member of the senate and assembly delegation representing the residents of the city shall nominate at least one candidate.

2. The board shall:

(a) Determine the appropriate number of members of the charter committee from the candidates nominated; and

(b) Appoint the members of the charter committee.

3. Each member of the charter committee must:

(a) Be a registered voter in Carson City;

(b) Serve a term concurrent to the term of the public officer by whom he was nominated;

(c) Reside in Carson City during his term of office; and

(d) Serve without compensation.

Sec. 1.090 Charter committee: Meetings; duties. The charter committee shall:

1. Elect a chairman from among its members who shall serve for a term of 1 year;

2. Meet at least once every 2 years before the beginning of each regular session of the legislature and when requested by the board or the chairman of the committee;

3. Advise the board with regard to the recommendations of the committee concerning necessary amendments to this charter; and

4. Assist the board in the timely preparation of such amendments for presentation to the legislature on behalf of the city.

**MINUTES OF THE
ASSEMBLY Committee on Government Affairs**

Seventieth Session

April 2, 1999

The Committee on Government Affairs was called to order at 8:15 a.m., on Friday, April 2, 1999. Chairman Douglas Bache presided in Room 3143 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

Simultaneous videoconferencing of the meeting was provided to Room 4412 of the Grant Sawyer building, 555 East Washington Avenue, Las Vegas, Nevada.

COMMITTEE MEMBERS PRESENT:

Mr. Douglas Bache, Chairman

Mr. John Jay Lee, Vice Chairman

Ms. Merle Berman

Mrs. Vivian Freeman

Ms. Dawn Gibbons

Mr. David Humke

Mr. Harry Mortenson

Mr. Roy Neighbors

Ms. Bonnie Parnell

Ms. Gene Segerblom

Mr. Kelly Thomas

Ms. Sandra Tiffany

Ms. Kathy Von Tobel

Mr. Wendell Williams

GUEST LEGISLATORS PRESENT:

Assemblyman Tom Collins, Assembly District 1

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel

Dave Ziegler, Committee Policy Analyst

Sara Kaufman, Committee Secretary

OTHERS PRESENT:

Ray Masayko, Mayor, Carson City, Nevada

John Berkich, City Manager, Carson City, Nevada

Shelly N. Aldean, Vice Chairwoman,

Carson City Charter Review Committee

Pete Backstadt, a private citizen

Mike Grossi, a private citizen

Dan Musgrove, representing Office of Intergovernmental Relations and

Policy Research, city of Las Vegas

John Rhodes, City Councilman, city of North Las Vegas

Stephanie Smith, City Councilwoman, city of North Las Vegas

William E. Robinson, City Councilman, city of North Las Vegas

Paula Brown, City Councilwoman, city of North Las Vegas

David Peacock, a private citizen

Paul L. Moffat, a private citizen

Dorothy Walker, a private citizen

Robert Eliason, a private citizen

Mary A. Dutchover, a private citizen

Linda Hinson, a private citizen

Joanna Wesley, a private citizen

Assembly Bill No. 277: Makes various changes related to development of underground electric facilities. (BDR 58-969)

Chairman Bache informed the committee he received a letter from Assemblyman Bernie Anderson (Exhibit C). In his letter, Mr. Anderson advised he had spoken with the parties involved with A.B. 277. Those parties were unable to

reach a consensus of opinion regarding the bill and recommended it be withdrawn.

Chairman Bache announced he would accept a motion to accept withdrawal of A.B. 277.

ASSEMBLYMAN NEIGHBORS MOVED TO ACCEPT WITHDRAWAL OF A.B. 277.

ASSEMBLYMAN LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY BY ALL THOSE PRESENT; ASEMBLYWOMEN GIBBONS AND TIFFANY AND ASSEMBLYMEN HUMKE AND WILLIAMS WERE ABSENT AT THE TIME OF THE VOTE.

X

Assembly Bill No. 539: Makes various changes to charter of Carson City. (BDR S-686)

Assemblywoman Bonnie Parnell, Assembly District 40, testified. She informed the committee A.B. 539 amended Carson City's city charter in three respects. She pointed out page 1 of A.B. 539 discussed the nomination, appointment, terms, qualifications, and compensation (of members of the city's charter committee). The bill also addressed the mayor's salary and whether city officials would be allowed to engage in any other business or occupation, which they would not be permitted to do without approval of the board of supervisors.

Ray Masayko, Mayor, Carson City, Nevada, testified. He explained prior to the beginning of each legislative session, Carson City impaneled a charter review committee to review the city charter and recommend any changes it believed should be made to the city's board of supervisors. In 1998, the charter review committee submitted recommendations to Carson City's board of supervisors. Those recommendations were discussed and debated at a public meeting, and the will of the board of supervisors was reflected in A.B. 539.

John Berkich, City Manager, Carson City, Nevada, indicated he had nothing to add to previous testimony; however, he would answer any questions the committee might wish to ask.

Shelly N. Aldean, Vice Chairwoman, Carson City Charter Review Committee, indicated she, too, had nothing to add to previous testimony but was available to answer questions.

There were no questions of either Mr. Berkich or Ms. Aldean.

Pete Backstadt, a private citizen, testified, saying only that he supported A.B. 539, specifically the provisions of section 2.

Mike Grossi, a private citizen, testified. He stated section 5.060 of Carson City's city charter read: "An ordinance of charter amendment to be voted on in Carson City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and should be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question, 'Shall the above-described ordinance, amendment, be adopted.' The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote either for or against the ordinance or amendment."

Mr. Grossi asserted the charter changes proposed through A.B. 539 were neither brought to the attention of the public nor placed on a ballot. He declared he did not oppose formation of the committee discussed in the bill, and he did not oppose the mayor's salary being increased. However, he did object to permitting elected officials to hold additional jobs. He contended A.B. 539 opened the door for elected officials to work at any job they chose while collecting a salary from the public.

Mr. Grossi stated he was also concerned about election procedures which subjected individuals who ran for nonpartisan offices to elimination. He maintained the names of individuals who ran for nonpartisan offices should appear on the general election ballot rather than the primary election ballot. Because a general election ballot was designed for political parties, individuals running for nonpartisan offices should not run in a primary election but be

allowed to run in the general election. Allowing such individuals to run in the general election would provide voters a broader choice of candidates.

Mr. Grossi provided the committee with copies of Carson City's city charter (Exhibit D).

Mr. Berkich testified in response to Mr. Grossi's testimony. He said both the city and the district attorney's office interpreted the city charter provision Mr. Grossi cited as optional. That provision did not mandate all changes to the city charter must be approved by the voters, which was the reason Carson City approached the legislature for changes to its city charter, as did every other city in Nevada.

Assemblyman Mortenson said Mr. Grossi objected to the fact elections to partisan offices were not held in the general election and asked whether Mr. Berkich could address Mr. Grossi's objections. Mr. Berkich replied in Carson City, as in most other communities, the offices of members of the board of supervisors and those of other elected officials were nonpartisan offices. Mr. Grossi objected to the fact candidates for nonpartisan offices competed in the primary election, which was the way the election process was established. He explained in a nonpartisan race, candidates competed in the primary election, and those two candidates for an office who received the most votes went on to compete in the general election. However, if one candidate received more than a plurality of the total votes in a primary election, the election process was over because all of the candidates were nonpartisan.

Ms. Aldean testified. She said public notice of the meetings of the charter review committee was given, and the committee encouraged and solicited input from members of the general public. The committee's members represented a fairly broad cross-section of the community, and she believed they all did a commendable job. If additional issues required consideration, the charter review committee would be happy to consider those in 2 years.

Mr. Berkich interjected the election issue was hotly debated at meetings of the charter review committee; however, no changes to the city charter with respect to the election procedure were proposed and approved by Carson City's board of supervisors.

Assemblywoman Segerblom referred to section 2 of A.B. 539 and asked whether Carson City's pound sold animals for medical purposes. Mr. Berkich replied it did not.

Assemblywoman Gibbons said there was testimony the charter review committee held public hearings and requested input from the general public regarding the fact a candidate in a nonpartisan race who received more 50 percent of the vote in a primary election won the election at that point. She asked whether her understanding of the testimony was correct.

Ms. Aldean replied for several years, some residents of Carson City had been proponents of holding primary elections in individual wards, rather than throughout the community. If that was done, a process of elimination would occur, at ward level, during a primary election, and those candidates who survived the primary would move forward as candidates in the general election. Initiating such an election process was discussed, at the level of the charter review committee, and the issue was presented to the board of supervisors. The issue was hotly debated, testimony was offered both in support of and opposition to such an election process, and the board of supervisors elected not to change the current process.

Mayor Masayko gave further testimony. He said, "If we had elections out of the wards, that would mean that only the voters in that ward would choose those candidates. It would not be at-large election so that all of the electorate in Carson City could not vote." He asserted holding elections by wards would preclude any candidate in a primary election from receiving more than 50 percent of the vote and, thereby, being elected in the primary. It would ensure no fewer than two candidates would have to run in the general election. However, because Carson City lacked either large geographical areas or large demographic differences, it was felt the process of at-large election was satisfactory, at least until the demographic results of the 2000 census were obtained.

Ms. Aldean offered a correction to her previous testimony. She said she referred to a process of "election by ward;" instead, the process to which she referred would entail nomination by ward and election in a general election.

Mr. Grossi gave further testimony. He said he believed the discussion of wards was somewhat distorted. He pointed out in reference to applicability of state election laws, section 5.030 of Carson City's city charter said all elections held under the charter were governed by the state's election laws, insofar as those laws could be made applicable and were not inconsistent with the city charter. He contended that language said the city charter superceded state law.

Mr. Grossi said one individual who ran in a Carson City primary election received 5,648 votes, which equated to 38.4 percent of the votes cast by registered voters who voted in the general election. Therefore, 6.6 percent of Carson City's voters were disenfranchised.

Mr. Grossi stated everyone wanted to say they believed the proposed amendment to the city charter reflected what both the charter review board and the board of supervisors wanted. He had observed some of "their" meetings. Their position was firmly established, and they did not listen to the public. He asserted the proposed charter amendment should be submitted to a public vote.

Chairman Bache closed the hearing on A.B. 539.

Assembly Bill 539: Makes various changes to charter of Carson City. (BDR S-686)

Assemblywoman Parnell indicated the revisions in the Carson City charter proposed in A.B. 539 had been unanimously approved by the charter committee as well as by the Carson City Board of Supervisors.

Chairman Bache invited a motion

ASSEMBLYWOMAN PARNELL MOVED DO PASS ON A.B. 539.

ASSEMBLYWOMAN SEGERBLOM SECONDED THE MOTION.

Chairman Bache asked for discussion. He recalled that one member had opposed A.B. 539, contending the charter could only be amended by a vote of the people. There were different types of charters in Nevada, he said, general charters and special charters. Carson City's charter was a special charter. He asked for a vote on the motion.

THE MOTION CARRIED UNANIMOUSLY.

Assembly Gov't Affairs
4/5/99

ASSEMBLY BILL 539: Makes various changes to charter of Carson City. (BDR S-686)

Ray Masayko, Mayor, Carson City, indicated Assemblywoman Bonnie L. Parnell, Carson City Assembly District No. 40, was unable to attend the hearing and he acknowledged her work involved in the legislation. He provided the committee with a proposed amendment (Exhibit I).

Prompted by Chairman O'Connell, Mr. Masayko explained the bill contained incorrect language; noting in order to present the changes to the Legislature, the action needed to be agendized, discussed and voted upon by the board of supervisors. He indicated this process did not allow the necessary time to present the changes earlier. He noted the proposed amendment (Exhibit I) contains language agreed to by all officials, including the board of supervisors.

Chairman O'Connell questioned whether the Assembly has reviewed the amendment. Mr. Masayko indicated they had not seen the amendment, but were aware of the time constraints necessitating its existence.

Mr. Masayko explained the charter currently provides the clerk/recorder, the treasurer, the assessor, the sheriff, and the district attorney of Carson City cannot not engage in any other business or profession. He indicated this would preclude the teaching of a community college class or a partnership with one's spouse in a retail store. He noted the language was originally included in the Carson City charter many years ago in order to resolve an issue of an elected official conducting his business in conjunction with the county office. He stated the concern was expressed that "the bar is set too low" whereby leaving no exception for any other occupation for elected officials. He contended the laws of the State of Nevada have changed significantly since that time in terms of ethics regulations and reporting requirements. He noted the suggestion was made to gain the approval of the board of supervisors prior to an official's engagement in an occupation other than the elected position. It was decided the board of supervisors ought not to exercise this authority as the ethics laws would make the officials accountable to the voters. He explained the amendment would remove the language, "without the approval of the board," in the sections relating to the clerk, treasurer, and assessor; and add, "which constitutes a conflict of interest with the official duties" to the appropriate offices. The same language would be amended into the section concerning the sheriff while the language to be removed reads, "that creates a conflict between the personal interest of the sheriff and his official duty." He indicated this would not apply to the district attorney because there are statutory prohibitions against the district attorney engaging in any other profession. He pointed out the changes would be consistent with state law and with the prohibitions of all other county elected officials.

Mr. Masayko explained Carson City does not have an ordinance requiring the board of supervisors to appoint a charter review committee, although it is a current practice to do so prior to the legislative sessions. He noted the established charter review committee is comprised of 11 members including the board of supervisors and each member of the legislative delegation representing a portion or a complete district within Carson City. He explained the charter review committee takes testimony from citizens and makes decisions regarding modifications to the charter, as appropriate. The bill, he pointed out, codifies the appointment of a charter review committee.

Mr. Masayko indicated A.B. 539 provides a salary increase for the mayor; although, he noted, it would not increase the salary of the mayor in the present term of office. The bill would also clarify the power of the city manager to make appointments and create administrative positions. He noted the bill would make various other punctuation and minor language changes to the Carson City charter.

John Berkich, Lobbyist, Carson City; and City Manager's Office, Carson City, stated he was available to answer questions from the committee members.

Shelly Aldean, representing the Carson City Charter Review Committee, reiterated Mr. Masayko's comments, noting the recommendations set forth in A.B. 539 were the result of deliberations of the charter review committee. She stated:

I wanted to go on record by indicating that obviously these meetings are publicly noticed and it is a very participatory process. People are asked to come forward with recommendations with respect to

the amendment of the charter, and we deliberate on those. And I think we came forward with a relatively moderate request of changes. And I want to say that actually I am delighted and very supportive of the proposed amendment, because actually this was a language that was originally proposed by the charter review committee; the language that you see today as a proposed amendment to A.B. 539.

Prompted by Chairman O'Connell, Ms. Aldean stated:

... When we made our presentation before the board of supervisors, there was obviously some concern about what constituted a conflict of interests, whether or not it should be a little more onerous, the requirement that the elected official come before the board. We were relying on some material that we received from the Legislative Counsel Bureau, I conferred with them on a number of different occasions to determine what like language occurred in other city charters. There was some language that was going to be cannibalized from the Sparks City Charter that was considered at that meeting. And quite frankly, I am not certain what happened; but as I said, I am delighted with the proposed amendment because it does truly reflect the input of the charter review committee. And I think it is far from an equity standpoint, far superior than what was previously proposed.

Senator Care questioned the number of members to be on the charter review committee. He pointed out the language in section 1 allows this to be a floating number as each supervisor may nominate at least 1 candidate. He called attention to the additional language which provides the board of supervisors may determine the appropriate number.

Mr. Masayko indicated the language was written in such a way to allow for flexibility due to reapportionment after the 2000 census.

Senator Care questioned whether the charter review committee members would be construed as public officials for purposes of the ethics laws and the subsequent required disclosure. Mr. Masayko replied it was his understanding of the ethics laws that as an advisory committee to the board of supervisors, the members of the charter review committee would be required to file a financial disclosure form.

Senator Care noted the language in A.B. 539 regarding the salary increase reads, "The mayor is entitled to an annual salary of 130 percent of the amount specified in NRS 245.043." He questioned the exact figure of the referenced increase.

Mr. Masayko said:

Well, I know exactly what the numbers are right now. And the numbers right now, I think the members of the board of supervisors, like county commissioners of that size are paid \$18,000. And of course 30 percent of that, and I calculated it out over on the Assembly side, would be \$4,800. Which would raise the amount to \$22,800 for the mayor and \$18,000 for the members of the board of supervisors, with a 30 percent differential.

Senator Care questioned the reason the mayor is the only position to receive a raise. Mr. Masayko indicated he did not vote in favor of the proposed salary increase. Ms. Aldean explained the increase had been a request of a member of the board of supervisors who felt that there was an inequity. She pointed out the mayor of Carson City has to preside over board meetings and attend many ceremonial functions. She stressed it is a very demanding job and although it is considered a part-time position, it is in reality a full-time occupation which was found to warrant an increase. She pointed out the issue had not been contentious at the charter review committee level. She indicated she had been informed by the Legislative Counsel Bureau that the mayor of Sparks, also a part-time elected official, receives an annual salary of \$29,000. She noted Sparks has a population of 31,370 while Carson City's population is over 50,000, stressing the issue to be a matter of parity.

Senator Care questioned the reason the language in A.B. 539 concerning other business interests of the sheriff was different than that pertaining to the other elected officials.

Mr. Masayko indicated this was a mistake in the proposal which the amendment purports to correct.

Mike Grossi, Concerned Citizen, read from a prepared statement regarding A.B. 539 (Exhibit J). He voiced concern regarding "confusing" language instituting a pay raise for the mayor, stressing if a pay raise is deemed necessary upon review, NRS 245.043 should be amended rather than the charter. He pointed out the bill proposes to create administrative positions to replace administrative assistants, which, he noted, would "open the door for empire building and favoritism." He indicated the recently appointed deputy city manager holds a position not authorized in the charter and earns more than the city manager. He questioned the supervisory authority of each position. Mr. Grossi expressed concern regarding the provision to allow the county clerk, treasurer and assessor to have other occupations with the approval of the board of supervisors. He stated, "What we have here is one elected body of part-time officials, the board of supervisors, to approve another body of full-time elected officials to work at secondary jobs, leaving their subordinate clerical personnel to perform their duties." He indicated this provision would usurp "the rights of the ... voters who voted for and expect their elected officials to work at their positions full time not part time." He stressed that the proposed changes do not benefit the citizens of Carson City.

Mr. Grossi pointed out issues the charter review committee did not address. He expressed concern that the district attorney represents the city as well as other government entities, and he cited a situation where this caused a conflict of interest (Exhibit J). He suggested the charter be amended to mandate the hiring of an independent counsel to represent future Grand Jury investigations.

Mr. Grossi expressed concern with current election laws allowing candidates for nonpartisan office to be elected during the primary election. He questioned whether state law supersedes charter law in Carson City, noting the varying practices in different cities in Nevada. He cited a situation in which a candidate for a nonpartisan office was elected through only a primary election (Exhibit J), and stated in this situation over 60 percent of the voters were disenfranchised.

Mr. Grossi said the charter sets forth, "An ordinance or charter amendment to be voted on in Carson City shall be presented for voting by ballot title." He indicated this has never happened, and he stressed any amendment to the city charter should be voted on by the citizens of Carson City. He requested the committee oppose A.B. 539.

Chairman O'Connell questioned whether Mr. Grossi had taken advantage of the open hearings held regarding the charter changes. Mr. Grossi said he had not attended the meetings, but had written a letter which was printed in the *Nevada Appeal*. He indicated he tried to be actively involved in "good government" for the benefit of the citizens rather than for the benefit of special interests.

Senator Neal questioned whether Mr. Grossi was aware that all city elections within the state are nonpartisan. Mr. Grossi replied he was unaware of this fact. He gave a brief explanation of his voting history and explained when primary elections were first established, they were strictly for political parties to select the candidate of their choice for representation in the general election. He indicated he did not know the history of how a candidate for a nonpartisan office was included in the primary election.

Senator Neal indicated the Legislature has the authority to change city charters and has designated all city elections be nonpartisan.

Chairman O'Connell closed the hearing on A.B. 539

ASSEMBLY BILL 539: Makes various changes to charter of Carson City. (BDR S-686)

Senator Porter addressed the charter portion of the bill, because of testimony in the Senate Committee on Legislative Affairs and Operations regarding bill drafts for local governments. He said one of the discussions was to establish charter committees for local governments similar to Boulder City who has a charter commission, public hearings, and then ballot questions for their charter changes. He suggested the committee may want to look at that for other communities. He acknowledged there may not be enough time during this session to go into the details. He added the possibility of charter committees may eliminate a significant portion of issues that could otherwise be addressed locally.

Ms. Walker stated that Carson City would still have to come before the Legislature. She said it was noted that there was no establishment of a charter committee in Carson City's charter. She explained this bill formally establishes the charter committee which presently exists.

Senator Raggio noted that only the mayor's salary is set. He wanted to know to what the 130 percent of the amount specified was related. Ms. Walker responded that NRS 245.043 lists the county officers, and specifies "shall receive \$600 in addition to the annual salary." She stated that has been in statute for decades and cannot be traced to its origin. The city wants to remove the reference to the \$600, because that is all the additional salary the mayor was receiving for decades. Ms. Walker conveyed the change would bring the mayor's salary up to \$22,800 a year. She explained the city reviewed the amount of time the mayor actually provides to the city versus the amount of time the supervisors provide, and it worked out to be 30 percent more. Therefore, it was felt the mayor should receive 30 percent more in salary.

SENATOR O'DONNELL MOVED TO AMEND AND DO PASS A.B. 539.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Assembly Bill 539 – Makes various changes to charter of Carson City.

(BDR S-686)

Chairman Bache said amendment 881 to A.B. 539 was a substantive amendment.

Ms. Parnell remarked she spoke with Mary Walker, the lobbyist for Carson City and there had been confusion in the original version of the bill. The confusion stemmed from whether or not the treasurer in Carson City should be able to teach a class at the community college in the evenings. The amendment would further clarify what would warrant denying a second job.

Chairman Bache asked if there were any objections to concurring with the amendment to A.B. 539. There were no objections from committee members

Assembly Gov't Affairs
5/18/99