

**Carson City
Agenda Report**

Date Submitted: July 23, 2013

Agenda Date Requested: August 1, 2013

Time Requested: 10 minutes

To: Mayor and Supervisors

From: City Manager Lawrence Werner

Subject Title: For possible action. Action to adopt a resolution establishing the Carson City Ethics Ordinance Review Committee to review the Carson City Municipal Code Chapter 2.34, Code of Ethics, and make recommendations to the Board for potential modifications to the ordinance.

Staff Summary: The 2012 Carson City Charter Committee at their June 5, 2012 meeting brought forth, discussed, and recommended that the Board appoint a committee to review Carson City Municipal Code Chapter 2.34, Code of Ethics, and make recommendations to the Board for modifications to the existing ordinance. The Carson City Board of Supervisors at their August 16, 2012 meeting passed a motion to adopt the recommendation from the Charter Review Committee to appoint a committee to review Carson City Municipal Code Chapter 2.34, Code of Ethics, and make recommendations to the Board for modifications to the existing ordinance.

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 adopt Resolution _____ establishing the Carson City Ethics Ordinance Review Committee to review the Carson City Municipal Code Chapter 2.34, Code of Ethics, and make recommendations to the Board for potential modifications to the ordinance.

Explanation for Recommended Board Action: See staff summary.

Applicable Statute, Code, Policy, Rule or Regulation: Carson City Charter Section 2.320

Fiscal Impact: None

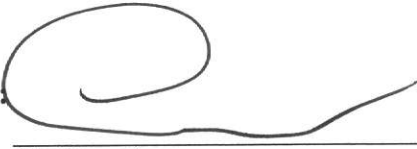

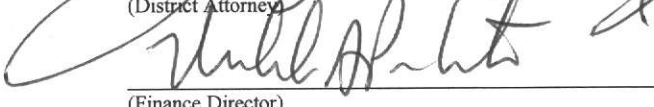
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not create the committee.

Supporting Material: Draft Resolution to establish the Carson City Ethics Ordinance Review Committee

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

Reviewed By:  _____ Date: 7/23/13
(City Manager)
 _____ Date: 7/23/13
(District Attorney)
 _____ Date: 7/23/13
(Finance Director)

Board Action Taken:

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

(Vote Recorded By)

RESOLUTION NO. _____

**A RESOLUTION FORMALLY ESTABLISHING
THE CARSON CITY ETHICS ORDINANCE
REVIEW COMMITTEE.**

WHEREAS, Section 2.320 of the Carson City Charter authorizes the Board of Supervisors (Board) to create advisory boards to advise the Board in specific areas of local government, including, without limitation public safety, public employees, finance, human resources, public property and facilities; and

WHEREAS, the 2012 Carson City Charter Committee at their June 5, 2012 meeting brought forth, discussed and recommended that the Board appoint a committee to review Carson City Municipal Code Chapter 2.34, Code of Ethics, and make recommendations to the Board for modifications to the existing ordinance; and

WHEREAS, the Carson City Board of Supervisors at their August 16, 2012 meeting passed a motion to adopt the recommendation from the Charter Review Committee to appoint a committee to review Carson City Municipal Code Chapter 2.34, Code of Ethics, and make recommendations to the Board for modifications to the existing ordinance; and

WHEREAS, the Board desires impartial recommendations from qualified persons regarding the review of Carson City Municipal Code Chapter 2.34; and

WHEREAS, the Board desires to create a review committee to review and make recommendations to the Board regarding Carson City Municipal Code Chapter 2.34; and

WHEREAS, the Board desires to set forth guidelines regarding membership of the committee, purpose of the committee, length of term of the members of the committee, frequency of meetings, and other matters properly relating thereto.

NOW, THEREFORE, the Board hereby resolves:

1. The Carson City Ethics Ordinance Review Committee (Ethics Review Committee) is hereby formally established consisting of members appointed by the Board.
2. The Ethics Review Committee shall be composed of people with knowledge and expertise relevant to codes of ethics. The committee shall consist of five (5) members.
3. The purpose of the Ethics Review Committee shall be to provide the Board (a) with recommendations regarding changes to the Carson City Municipal Code Section 2.34, Code of Ethics, if necessary or (b) with the conclusion that no changes are recommended by the Committee. Upon acceptance of the final report of the Ethics Review Committee by the Board of Supervisors, the Ethics Review Committee will terminate.

4. The members of the Ethics Review Committee shall serve terms of nine (9) months or until a recommendation is submitted to the Board, whichever occurs first. Any vacancies shall be filled by the Board. All members shall serve without compensation.
5. The meetings of the Ethics Review Committee shall be held regularly at least once per month or at the call of the chair. The City Manager's Office shall be staff liaison and shall provide support to the committee.
6. The Ethics Review Committee shall operate in accordance and be subject to the Policies and Procedures for Boards, Committees, and Commissions as adopted by the Board.

Upon motion by Supervisor _____,
 seconded by Supervisor _____, the
 forgoing Resolution was passed and adopted this ____ day of _____, 2013 by the
 following vote:

VOTE:	AYES:	_____

	NAYES:	_____

	ABSENT:	_____
	ABSTAIN:	_____

 Robert L. Crowell, Mayor
 Carson City, Nevada

ATTEST:

 Alan Glover, Clerk
 Carson City, Nevada

CARSON CITY ETHICS ORDINANCE REVIEW COMMITTEE
BYLAWS

I. GENERAL POLICIES AND PROCEDURES

A. Carson City Ethics Ordinance Review Committee (“Ethics Review Committee”) established as a temporary, specific-task advisory body pursuant to Board of Supervisors Resolution No. _____, adopted on the ____ day of _____, 2013.

1. Appointment and terms of members.

- a. The Board of Supervisors will appoint no more than 5 citizens to serve on the Committee.
- b. The Committee shall be comprised of 5 members, with qualifications as may be further detailed in the most current resolution establishing the Committee approved by the Board of Supervisors.
- c. Members of the Committee shall be residents and active registered voters of Carson City.
- d. Every member of the Committee shall be appointed for the full term of the temporary committee. The term of the committee and its membership shall be until the completion of its task by making a written recommendation to the Board of Supervisors of its proposed amendments to the Carson City Ethics Code, or 6 months from the adoption date of the above cited Resolution, whichever occurs first.

2. Committee authorization.

The Committee shall advise the Carson City Board of Supervisors regarding its recommended changes to the Carson City Municipal Code Chapter 2.34 - Code of Ethics, provided that its recommendations shall not be changes that are less than the current ethics requirements found in NRS chapter 281A (State Code of Ethics), and any recommendation to retain or add any requirement that exceeds the minimum requirements of the State Code of Ethics shall be clearly identified with an explanation why the Committee feels the State minimum (which applicable State minimum shall be fully quoted in the recommendation) should be exceeded in Carson City and other duties as authorized by the Board of Supervisors.

3. Service without compensation, removal, vacancies.

- a. All members of the Committee shall serve without compensation.

- b. Citizen members may be removed in accordance with the adopted policies and procedures for boards, committees, and commissions. Vacancies that occur other than through the expiration of a term shall be filled for the unexpired term.

B. Ethics of the Committee Members.

1. Conflict of interest.

- a. Members shall comply with State and City regulations related to conflict of interest.
- b. No member shall participate in, take action, cast a vote or lobby other members in relation to any project or proposal before the Committee that relates to a property, business, or other venture in which the member has a financial or vested interest.
- c. The policy of the Committee is that the appearance of a conflict of interest is as prejudicial in nature for the credibility of the Committee and the City as an actual conflict of interest. Members, on behalf of the good of the Committee and to maintain its public credibility, shall utilize discretion and judgment and should disclose the appearance of or actual conflict.
- d. In the event of a pending matter for which a member wishes to be disqualified, the policy of the Committee shall be that if it is an actual conflict of interest as described in I. B. 1. b., the member shall leave the dais and the meeting room until the matter has been decided. If the matter is an appearance of conflict of interest, the member may, using his or her judgment, remain at the dais or step down to the floor, and announce prior to the opening of the public hearing that he or she will be abstaining from this matter.

2. Discretion.

Members shall be discreet in the discussion of pending matters outside of the meeting forum. No commitments or prejudicial comments shall be made prior to a public hearing in advance of any official action.

C. Public meetings and records.

- 1. Regular meetings of the Committee shall be open to the public and subject to the provisions of the Nevada Open Meeting Law.
- 2. The City shall provide a Secretary for each and every meeting of the Committee to act as a recorder, vote counter and to take roll.

3. The Committee shall cause to be kept recordings of the meetings as required by the Open Meeting Law and official minutes of the meetings containing each of the items before the Committee and the vote taken on each item shall be produced and kept consistent with law.
4. Committee files shall be public documents, and shall be available for review by members or any member of the public within a reasonable period of time following a request to view such a document at the liaison department.

II. MEETINGS OF THE COMMITTEE

A. Regular meetings.

1. Regular meetings shall be held on a monthly basis at a time and date determined by the chair or a quorum vote of the Committee at a properly noticed meeting.
2. Special meetings may be called at any time by the Chairman, or by a quorum vote of the Committee at a properly noticed meeting.
3. The Committee shall make every effort to hold meetings as expediently as possible after submittal of request.

B. Annual meeting for election of officer.

1. At its first meeting the Committee shall elect a Chairman and Vice-Chairman for the term or as a vacancy occurs.
2. The term of the Chairman and Vice-Chairman shall be for the entire term.

C. Duties of the Chairman.

1. The Chairman shall be responsible for the conduct of all Committee meetings.
2. The Chairman shall confer with the Director liaison department or his/her designee on the matters scheduled for the agenda.
3. The Chairman may request that items be calendared for a Committee meeting. If other Committee members wish to calendar an item, such request shall be made to the Chairman.
4. In the absence of the Chairman, these duties shall be assumed by the Vice-Chairman.

D. Attendance.

1. Members shall make a diligent effort to attend all meetings, arrive promptly, and be properly prepared to discuss the issues calendared for the meeting.
2. During the term of the Committee; members shall attend a minimum of seventy-five percent (75%) of the scheduled Committee meetings regardless of whether absences are excused or unexcused, and shall exercise due diligence in attending special meetings, public hearings, workshops and/or study sessions.

E. Quorum.

1. A quorum shall be at least fifty-one percent (51%) members of the Committee.
2. To be considered an approved motion, a vote of a simple majority of the Committee present shall be required.

F. Resignation.

Any member may resign at any time by sending written notice of such resignation to the Director of the liaison department.

III. DUTIES OF THE COMMITTEE:

A. Responsibilities and authority.

See Committee Authorization, I.A.2. above

IV. AMENDMENT

An amendment to these by-laws requires an affirmative vote of two-thirds of the total Committee membership in order to pass. Amendment shall be reviewed and approved or amended by the Board of Supervisors.

V. REPORTS AND MEETING PACKETS:

A. Staff reports.

1. The Director of the liaison department or his/her designee shall cause to be prepared reports of the Committee for each item for which a public hearing is scheduled.
2. Each staff report shall be in the form and style as determined by the Director. At a minimum, the report shall recommend to the Committee the necessary findings required to consider an action on an item; recommend language for a motion supporting the proposed action; and

recommend conditions to ensure conformance of the proposed project with City policy and regulations.

B. Submittal of materials with applications.

The policy of the Committee is that staff will not schedule a matter before the Committee for decision until staff determines that all required information is submitted in a form and manner consistent with the policies of the Committee and City.

VI. SEVERANCE CLAUSE:

In the event of a conflict of any individual section or portion thereof between this document and State law, city ordinance, or policy of the Board of Supervisors, the preeminent law, ordinance, or policy shall be in force.

VII. ADOPTION BY ETHICS REVIEW COMMITTEE:

These by-laws were adopted by the Ethics Review Committee on the _____ day of _____ (year).

Chairperson

VIII. APPROVAL BY BOARD OF SUPERVISORS:

These by-laws were approved by the Carson City Board of Supervisors on the _____ day of _____ (year).

Mayor