

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, July 16, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, District Attorney
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, Recording Secretary

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

1-4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:32:33) - Mayor Crowell called the meeting to order at 8:32 a.m. Roll was called; a quorum was present. Seventh Day Adventist Church Pastor Ron Torkelson provided the invocation. Mayor Crowell led the pledge of allegiance.

5. ACTION ON APPROVAL OF MINUTES - June 18, 2009 (8:33:57) - Supervisor Aldean noted corrections to pages 4 and 8, and **moved to approve the minutes, as corrected. Supervisor Livermore seconded the motion. Motion carried 5-0.**

6. ACTION TO ADOPT THE AGENDA (8:37:14) - Mr. Werner advised that item 12(A) would be withdrawn. He further advised that additional information had been provided to the Board members, the Clerk, and the public for items 12(C) and 18(C), and he provided an overview.

7. PUBLIC COMMENTS AND DISCUSSION (8:35:15) - Mayor Crowell opened this item; however, no public comment was forthcoming.

8. CONSENT AGENDA (8:35:43) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to hear item 8-3 separately. When no further requests were forthcoming, Mayor Crowell entertained a motion to approve the remainder of the consent agenda. **Supervisor Livermore moved approval of the consent agenda, consisting of five items: item 8-1, Sheriff, (A) and (B); item 8-2, Public Works; item 8-4, City Manager, (A) and (B), with recognition to Doug Martin, John Valley, and Gil Yanuck on their reappointments to the Advisory Board to Manage Wildlife for three-year terms ending July 2012, as presented. Supervisor Aldean seconded the motion.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

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8-1. SHERIFF

8-1(A) ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE GRANT, SUPPRESSION / INVESTIGATION - SPECIAL OPERATIONS UNIT IN THE AMOUNT OF \$64,806.00

8-1(B) ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE GRANT, TRINET NARCOTICS TASK FORCE, IN THE AMOUNT OF \$163,094.00

8-2. PUBLIC WORKS - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT FOR THE ADJUSTMENT OF UTILITY FACILITIES BETWEEN THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION AND CARSON CITY FOR CARSON CITY FREEWAY, PHASE 2B-1, KOONTZ LANE TO CLEARVIEW DRIVE SECTION, ALLOWING THE CITY TO BE REIMBURSED FOR DIRECT COSTS ASSOCIATED WITH THE WATER FACILITY RELOCATIONS AS A RESULT OF THE NDOT FREEWAY PROJECT

8-3. PURCHASING AND CONTRACTS - ACTION TO ACCEPT PUBLIC WORKS' RECOMMENDATION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 0708-150 WITH RESOURCE CONCEPTS, INC., TITLED "PROFESSIONAL SERVICES FOR MORGAN MILL RIVER ACCESS FACILITIES, PHASE I," TO EXPAND THE SCOPE OF WORK, TO INCREASE THE CONTRACT IN THE AMOUNT OF \$3,880.00, AND TO INCLUDE A CONTINGENCY AMOUNT OF \$5,000.00, TO BE FUNDED FROM THE MORGAN MILL ROAD RIVER BANK FUND, AS PROVIDED IN FY 2009 / 2010 (9:40:17) - Mayor Crowell introduced this item. Supervisor Aldean noted that the original contract included an entire section on environmental testing. In response to a question, Parks and Recreation Director Roger Moellendorf advised that the original contract included testing by Resource Concepts, Inc. Subsequent to approval of the original contract, additional meetings with Nevada Department of Environmental Protection representatives indicated additional testing requirements beyond the original scope. Mr. Moellendorf explained the additional \$5,000 contingency in consideration of unknowns usually associated with mercury testing. Supervisor Aldean expressed concern that NDEP may require additional testing beyond the amended contract. "At some point, this needs to come to a conclusion, and enough is enough, and what we have done, hopefully, will eventually be sufficient." Mr. Moellendorf noted that "historically, the Carson River is a little bit different animal with the mills ... and the use of mercury in the past. ... It's not your normal River because of the mining history involved with it."

Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Aldean moved to accept Public Works' recommendation to approve Amendment No. 1 to Contract No. 0708-150 with Resource Concepts, Inc., titled "Professional Services for Morgan Mill River Access Facilities, Phase I," to expand the scope of work, increase the contract in the amount of \$3,880 and include a contingency amount of \$5,000, to be funded from the Morgan Mill Road River Bank fund, as provided in FY 2009 / 2010. Supervisor Williamson seconded the motion. Motion carried 5-0.**

8-4. CITY MANAGER

8-4(A) ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND WALKER & ASSOCIATES FOR GOVERNMENTAL AFFAIRS SERVICES FOR THE PERIOD JULY 1, 2009 THROUGH SEPTEMBER 30, 2009 FROM THE GENERAL FUND

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8-4(B) ACTION TO APPOINT DOUGLAS MARTIN, JOHN VALLEY, AND GILBERT YANUCK TO THE ADVISORY BOARD TO MANAGE WILDLIFE FOR THREE-YEAR TERMS ENDING JULY 2012

9. RECESS BOARD OF SUPERVISORS (8:38:38) - Mayor Crowell recessed the Board of Supervisors.

LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND ROLL CALL (8:38:46) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:38 a.m. Roll was called; a quorum was present, including Member Ray Saylo.

11. ACTION ON APPROVAL OF MINUTES - May 21, 2009 and June 4, 2009 (8:39:04) - Member Aldean noted a previously-stated correction to page 2 of the June 4, 2009 minutes. **Member Aldean moved to approve the minutes of the May 21, 2009 meeting, as presented. Member Williamson seconded the motion. Motion carried 6-0. Member Aldean moved to approve the minutes of the June 4, 2009 meeting, as corrected. Member Williamson seconded the motion. Motion carried 6-0.**

12. PUBLIC WORKS BUSINESS LICENSE

12(A) ACTION TO APPROVE CARL MILLER AS THE LIQUOR MANAGER FOR THE WIZE GUYZ FULL BAR LIQUOR LICENSE NO. 10-26549, LOCATED AT 288 EAST WINNIE LANE, CARSON CITY - Withdrawn.

12(B) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-16622, HELD BY RED HAWK VENTURES, LLC, CLETUS WANDLER DBA SILVER DOLLAR CASINO, LOCATED AT 1897 NORTH EDMONDS DRIVE, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN (7) DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN (7) DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED (8:40:36) - Principal Planner Jennifer Pruitt introduced this item by reading the title into the record. She noted that the first offense occurred on May 22, 2009 and the second on July 3, 2009.

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(8:42:52) Cletus Wandler advised of having required all his employees to sign a commitment to request the identification of all customers ordering alcoholic beverages. He suggested that the employees involved in the incidents giving rise to this hearing had lied to him, and expressed opposition to a business owner being subject to an employee's sabotage. He discussed the difficulties inherent in controlling the actions of employees.

Member Aldean expressed sympathy over the issue of vicarious liability, and advised that it applies to the City as well. In response to a question, Mr. Wandler advised that he has not installed IDVisors in his establishment. He expressed the opinion that the devices would be worthless without the full cooperation of the employees. He acknowledged requiring his employees to attend mandatory training in addition to requiring their signature on the previously-noted commitment, acknowledging their understanding of termination and a \$625 fine as the result of serving alcohol to a minor. He further acknowledged that both employees involved in the incidents giving rise to this hearing had been terminated. He suggested that any employee caught serving alcohol to a minor should be arrested. "The Sheriff's Department just leaves them there." Mr. Wandler referenced the Carson Nugget's third offense, and requested a concession.

Member Walt expressed the belief that the Sheriff's Office compliance check operations "are working." Mr. Wandler expressed agreement with Member Walt's comments, but disagreed "that you should take it out on the person that owns the business that can't control 75 employees. I can't be there 24 / 7." Member Williamson provided an overview of the progressive disciplinary action imposed on the Carson Nugget through its third violation. She expressed empathy for Mr. Wandler's situation, and discussed the challenge of ensuring that alcohol is not served to minors in our community. Mr. Wandler reiterated he has no control over all his employees all the time, and discussed the cost associated with obtaining his liquor license. In response to a question, Mr. Wandler discussed the process associated with minors who are caught gambling. He acknowledged no repercussion to the gaming licensee. If an employee is at fault, the employee's gaming card is confiscated. Mr. Wandler advised that one of the offending employees involved in the incidents giving rise to this hearing had a "job down the street at another bar" two days later. Discussion followed.

Member Livermore expressed sympathy for Mr. Wandler's situation, and acknowledged the difficulty associated with enforcing laws "which may not be applied equally." He discussed the struggle, "over the past year, ... to find a reasonable balance that would work." In response to a question, Mr. Wandler was uncertain as to the actual fine imposed on the offending employees during the criminal proceedings. Member Livermore discussed the professionalism of Sheriff's Office employees during compliance check operations. He requested the board's consideration of a lesser fine, and reiterated understanding for Mr. Wandler's situation.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Walt moved to impose disciplinary action against liquor license no. 10-16622, held by Red Hawk Ventures, LLC, Cletus Wandler, dba Silver Dollar Casino, located at 1897 North Edmonds Drive, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action may include the imposition of a fine of up to \$500.00 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing; if the licensee and relevant employees are required to attend the alcohol servers training program, the licensee will be required to submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department Business License Division no later than**

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seven days from the completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Walt acknowledged the intent of the motion to impose the \$500 fine and require the alcohol servers training for all employees. **Member Williamson seconded the motion.** In response to a question, Member Walt refused to consider a lesser fine of \$250.00.

In consideration of consistency and “sending a message,” Member Williamson expressed concern over exercising discretion in the imposition of the fine. She reiterated sympathy over the liquor license holders’ situations in terms of vicarious liability. “You have to work as hard as possible to establish an atmosphere of compliance with the law and that means, perhaps, stronger management training ...” Member Aldean expressed agreement with the importance of consistency. She reiterated her concern over vicarious liability, but noted “that’s the law.” She expressed more of a willingness to consider discretion “when an applicant comes before us and they have done everything humanly possible to address ... the selling of liquor to underage customers. That means having the IDVisors.” She expressed uncertainty that, in this case, “everything has been done to comply with the law in terms of avoiding this.” She provided an overview of the steps taken by Carson Nugget representatives to prevent the sale of alcohol to minors. Member Walt expressed agreement with the importance of consistency, and reiterated “this is working.” She referred to a recent *Nevada Appeal* article, and stated “everyone passes alcohol checks.” She advised that Douglas County has even stricter laws and corresponding penalties.

In reference to the next agenda item, Member Livermore discussed possible modifications to the subject procedure. In response to a question, Mr. Rombardo advised that serving alcohol to a minor is a misdemeanor offense. He suggested the possibility that a condition of sentence could include Carson City requesting the revocation of the alcohol server’s work card. Member Aldean suggested considering amendment to the Carson City Municipal Code to make mandatory the revocation of the alcohol server’s work card at some point in the process. Mr. Werner was uncertain as to whether an alcohol server’s card is issued, and advised that staff will follow up.

Chairperson Crowell expressed sympathy for the predicament of Mr. Wandler and other licensees in consideration of vicarious liability. On the other hand, he noted that a liquor license is a privilege granted by government and “there has to be some form of obligation that attaches to that privilege.” He expressed concern over the board sitting as fact finders in a disciplinary proceeding. Mr. Rombardo cautioned against straying further from the agendized item. Chairperson Crowell called for a vote on the pending motion; **motion carried 6-0.**

12(C) DISCUSSION ON THE PROPOSED MODIFICATIONS RELATING TO THE DISCIPLINARY ACTION PROCEDURE AND PENALTIES FOR LIQUOR LICENSE VIOLATIONS AND POSSIBLE DIRECTION TO STAFF TO BRING FORTH AMENDMENTS TO THE MUNICIPAL CODE (9:09:36) - Senior Permit Technician Lena Tripp introduced this item by reading the title into the record. She advised of having been requested by Sheriff Ken Furlong to request the board’s additional consideration of deputy sheriffs holding liquor licenses.

Chairperson Crowell provided an overview of the options delineated in the July 16, 2009 memorandum included in the agenda materials. Discussion ensued. Ms. Pruitt advised that the City of Reno is in the process of revising their liquor license ordinance. In reference to Member Walt’s earlier comments, Ms. Pruitt discussed Douglas County’s stricter liquor license laws and penalties for violation. In response to

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a question, she reviewed the progressive penalties associated with violation of liquor license laws in Douglas County. Additional discussion took place regarding the options delineated in the July 16th memorandum.

Member Williamson suggested deferring further discussion until such time as more information is available. She inquired as to who would serve as the hearing officer, whether or not an alcohol server card is required in Carson City, the parameters associated with federal grants which fund the compliance check operations, whether there is a pattern associated with failed compliance checks, and whether requiring a liquor license holder to appear in public is a sufficient deterrent.

In reference to the question regarding an alcohol server's card, Mr. Rombardo read the provisions of CCMC Section 4.13.170 into the record and noted a reference to CCMC Section 8.28. He noted the costs associated with hiring a hearing officer or appointing *pro tem* judges. He discussed the common practice of district attorneys and attorneys general to "have one person sit as the hearing officer and one person sit as ... the prosecutor working with whoever enforces it." He discussed other options for a City official to serve as a hearing officer.

Member Saylo advised that the Sheriff's Office has not issued work cards for liquor sales in the past several years. He further advised that underage drinking enforcement operations "generally start about 3:00 in the afternoon and generally run until about 8:00 or 9:00 in the evening." None of the grant administration reporting requirements include documenting arrests or citations. "They do require us to show compliance." Member Saylo advised of Sheriff Furlong's preference for a "hearings officer-type of system."

In reference to Members Williamson and Walt's comments, Member Aldean expressed the opinion that "the exposure to the light of day has had ... a sobering effect on the people who have liquor licenses." She discussed support for amending the municipal code to require the issuance of an alcohol servers work card. Member Saylo expressed agreement, and related anecdotal information. Member Aldean expressed the further opinion that appointing a hearing officer, at least on a trial basis, would be productive. She suggested the hearing officer could be requested to provide quarterly reports to the board.

Mr. Werner expressed support for re-instituting the work card system and for appointing a hearing officer. He suggested implementing an administrative process for the first and second offenses, and that a hearing officer would have jurisdiction over a third offense. He proposed various options for the administrative and hearing officer processes, and discussion followed.

Member Williamson suggested directing staff to draft provisions for "an automatic first, ... a second of \$500 with some kind of appeal possible to a hearing officer, and the third offense would go to a hearing officer with some kind of appeal possible, with a fine of up to \$1,500. And also to implement the work card program for liquor serving," and to have some kind of draft provision to allow for public safety officials to hold liquor licenses in the county where they work. In response to a question, Mr. Rombardo advised of having seen no prohibition, in the ordinance, against a public safety officer holding a liquor license in the county where they work. Following a brief discussion, Member Williamson suggested agendaizing a specific item for a future meeting.

Member Livermore suggested requesting input from some of the liquor license holders. Mr. Werner advised that the current ordinance was developed in just such a manner. "We invited every liquor license

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holder to a meeting and workshops and we discussed the entire program that we're currently operating under. ... The group's response was a unanimous 'Yes, this looks like a good program.'" Member Livermore discussed the importance of liquor license holders taking responsibility for their employees.

Chairperson Crowell requested staff to also include a determination of what constitutes exculpatory conduct on behalf of the licensee. Mr. Werner advised that staff will work with the District Attorney's office. Chairperson Crowell requested information as to the Gaming Control Board's process for addressing the situation of a licensee's employee allowing a minor to gamble. Mr. Werner acknowledged sufficient direction.

Chairperson Crowell opened this item to public comment. (9:35:16) John Wagner commended the discussion, and inquired as to the number of alcohol servers who have been arrested twice. He suggested that the alcohol server's work card should be revoked immediately upon a first violation. He inquired as to whether alcohol servers work between counties, and suggested that habitual violators should be ineligible for a work card.

(9:36:18) Steve MacIntyre, representing the AM / PM stores, expressed support for appointing a hearing officer. "We're doing everything we possibly can to control this." Mr. MacIntyre advised of having met with the Sheriff on Tuesday, July 14th, and suggested "this is a step in the right direction for somebody to be able to take a look at what we're doing rather than just fining us right away because of somebody's mistake, somebody's grudge ..." He expressed support for the work card process. He acknowledged that children are kept away from slot machines in AM / PM stores. "If we suspect they're not old enough, we card them." He reviewed AM / PM store procedures to prevent the sale of alcohol to minors.

Chairperson Crowell called for additional public comment; however, none was forthcoming. Member Aldean expressed support for implementing the alcohol servers card process for bars and stores. Chairperson Crowell commended the discussion.

13. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:39:46) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:39 a.m.

14. RECONVENE BOARD OF SUPERVISORS (9:39:52) - Mayor Crowell reconvened the Board of Supervisors.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

15. ITEMS PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:40:01) - Please see consent agenda item 8-3 for the minutes.

16. CITY MANAGER - ACTION TO SELECT CASEY, NEILON & ASSOCIATES, LLC, AS THE BEST RESPONDER TO REQUEST FOR STATEMENT OF QUALIFICATIONS FOR THE CARSON CITY INTERNAL AUDITOR POSITION (9:43:47) - Mayor Crowell introduced this item. Mr. Werner provided background information and reviewed the agenda report. Supervisor Livermore discussed Audit Committee Vice Chair Ken Brown's involvement in reviewing the responses to the request for qualifications. Supervisor Livermore advised of having recommended to Mr. Werner an accounting firm "within our locality," and discussed the importance of "spending Carson City's public money with employers that can create jobs and recycle the money amongst our community ..."

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(9:47:44) Casey, Neilon & Associates Principal Nicola Neilon introduced herself for the record. In response to a question, Ms. Neilon advised that the Haws, Theobald & Auman accounting firm is independent from Casey, Neilon & Associates. The Haws firm is licensed in both the State of Nevada and the State of California. Ms. Neilon further advised that the Haws firm “cost structure is significantly lower than firms in this area.” Casey, Neilon & Associates proposes to provide the management and some of the staff, but seeks to present a proposal “that is very cost effective” in consideration of “budget issues.” In reference to the audits listed in the request for qualifications, Ms. Neilon advised that one of the Haws firm partners has significant experience in ambulance billing. In addition, she noted the benefit of “somebody from outside the area that doesn’t necessarily have a political connection ...” being able to provide “a very independent perspective.” In response to a further question, Ms. Neilon advised that the goals of an internal audit include prevention and detection of issues, identification of policies and procedures that are perhaps not being followed to the Board’s requirements, identification of areas of improvement relative to performance, budget expenditures, accountability, and the provision of assurances to external auditors. In response to a further question, Ms. Neilon advised that details regarding audit reports would be addressed at the beginning of the engagement. She expressed the understanding that the internal auditor would report directly to the Board.

Ms. Neilon acknowledged a willingness to submit recommendations for potential audits in development of next year’s audit plan. Supervisor Livermore offered Ms. Neilon an opportunity to review the current audit plan. In response to a further question, Ms. Neilon discussed difficulties associated with determining the number of hours required for each of the listed audits. She anticipates meeting with the Board to identify the scope of each audit to ensure a full understanding in order to determine a “more concrete number.” Supervisor Livermore discussed the audits listed as part of the request for qualifications, and suggested that the Board be open to considering the allocation of funding above that which is designated in the proposal, if necessary.

Mr. Werner explained that the audits listed as part of the request for qualifications were included to provide a baseline for purposes of evaluation. The internal auditor’s contract will be tasked based. In response to a comment, Mr. Werner further explained that the request for qualifications was not “to do only these three tasks.” Supervisor Livermore expressed the belief that the request for qualifications was for “audit firms to function through the audit plan that the Board has approved.” Mr. Werner further explained that once an accounting firm is selected and under contract, its representatives would be requested to appear before the audit committee to define the specifics of the audits. A portion of the contract and a cost for each of those elements would be defined. “At this stage, it was too general to do that. It was more to get a firm that’s qualified to do the work, then sit down with the audit committee ...”

Supervisor Aldean noted Ms. Neilon’s previous acknowledgment of the City’s financial situation. Ms. Neilon acknowledged the intent to provide the audit services for the allocated \$30,000. Supervisor Aldean expressed a weariness over constantly augmenting project budgets, and the hope that “to the extent we can, we ... comply with the amount actually budgeted for this particular task.” She suggested prioritizing audits by “degree of risk,” and expressed concern over the auditors working “on all three of them and then run out of money and not be able to complete any of the three tasks before you.” She noted that the freeway project audit will require cooperation from NDOT, “an entity that we have no control over.” Mr. Werner reiterated that the audits listed in the request for qualifications did not include detailed scopes of work. “Those were examples of typical ... audits that the audit committee has recommended in their plan.” Mr. Werner reviewed the process by which the selected accounting firm representatives will meet with the audit

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committee to determine a detailed scope of work for each audit and the associated costs. He acknowledged that the audit committee has no authority to allocate funding for any audit. In response to a comment, he advised that the Board of Supervisors will approve each audit scope of work and the associated costs.

In response to a question, Ms. Neilon discussed the method by which the proposed estimates of time and fees were developed. She reiterated the understanding that time and cost estimates will be further refined once the scope of work is established in conjunction with the Board. She acknowledged that the audits will be conducted by random sampling. She further acknowledged that Haws firm representatives will be performing their work in Carson City, and that they will need to obtain a Carson City business license. She further acknowledged the understanding that the auditors will report to the entire Board of Supervisors. Supervisor Livermore acknowledged that the audit committee will submit recommendations to the Board of Supervisors. In response to a question, Ms. Neilon reiterated the need to further refine each audit scope of work and associated time and cost estimates.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Walt moved to select Casey, Neilon & Associates, LLC, as the best responder to the request for Statement of Qualifications for the Carson City Internal Auditor position. Supervisor Williamson seconded the motion.** In response to a question, Mr. Werner advised that a contract will be agendized for a future Board meeting. Mr. Rombardo acknowledged that his staff will ensure the contract complies with the City Charter requirement for an internal auditor. Mayor Crowell called for a vote on the pending motion; **motion carried 5-0.**

17. FINANCE

17(A) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AUTHORIZING THE ISSUANCE OF A MEDIUM-TERM OBLIGATION TO FINANCE THE COST OF AMBULANCES, SEWER IMPROVEMENTS, AND STORM DRAINAGE IMPROVEMENTS FOR THE CITY; SPECIFYING THE DETAILS FOR THE “CARSON CITY, NEVADA GENERAL OBLIGATION (LIMITED TAX) VARIOUS PURPOSE MEDIUM-TERM BOND, SERIES 2009,” IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,900,000; SPECIFYING THE TERMS AND CONDITIONS OF SUCH MEDIUM-TERM BOND, THE METHOD OF PAYING THE BOND AND ITS FORM; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (10:11:33) - Mayor Crowell introduced this item. Finance Department Director Nick Providenti reviewed the agenda report, and introduced Bond Counsel Jennifer Stern. In response to a question, Mr. Providenti advised that the bond does not constitute a tax increase. He noted the previously-approved increase in wastewater and storm drainage revenues, and advised “we fully intend for those revenues to pay for these bonds. We’re not asking you to raise ... general obligation taxes or property taxes at this time, especially on this bond. ... We fully expect to pay for these bonds through the secured revenues of the specific funds. On the next issue, it’ll be water revenue funds; it won’t be general obligation amounts.”

In response to a question, Ms. Stern advised that the subject bond “must be paid out of existing, legally available revenues. That’s why the Department of Taxation looks at it and approves it as part of the process.” Ms. Stern described item 17(B), the water bond, as a general obligation additionally secured by pledged revenues. She acknowledged Supervisor Aldean’s previous statement that if “water revenues are insufficient to cover debt service, then you must levy an ad valorem tax to repay it within the statutory limitations on the overlapping tax cap rate.” Supervisor Aldean noted “we have never failed to generate

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the revenues necessary to keep those bonds in good standing. We haven't had to resort to dipping into the general fund in order to meet our obligation." Mr. Werner acknowledged the accuracy of the statement, and discussed the "much better rating" associated with "double-barrel bonds."

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 115, an ordinance authorizing the issuance of a medium-term obligation to finance the cost of ambulances, sewer improvements, and storm drainage improvements for the City, specifying the details for the "Carson City, Nevada general obligation (limited tax) various purpose, medium-term bond, series 2009," in the maximum principal amount of \$2,900,000, specifying the terms and conditions of such medium-term bond, the method of paying the bond in its form, and providing for other matters properly related thereto; fiscal impact \$3,689,310, including principal and interest. Supervisor Walt seconded the motion. Motion carried 5-0.**

17(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "2009 WATER BOND ORDINANCE;" PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) WATER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2009; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BOND; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF SUCH BOND; ADDITIONALLY SECURING ITS PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE WATER SYSTEM OF THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (10:17:15) - Mr. Providenti reviewed the agenda report, noting the discussion which took place under item 17(A), and advised of the anticipation that the bonds will qualify for zero percent interest American Recovery and Reinvestment Act ("ARRA") funding. In response to a question, Ms. Stern explained that the water bond will be placed "in a maximum principal amount of \$3.4 million with the State of Nevada revolving fund." The State revolving fund typically purchases bonds from local governments for "these kinds of purpose, in this case compliance with the Safe Drinking Water Act, at below-market interest rate." Ms. Stern further explained that, "in this case, the federal government has appropriated money without the requirement of a state issuing bonds and matching the money ... So, it's just a direct pass through the State revolving fund to the local governments," which only have to pay the principal and they are zero percent interest. Ms. Stern acknowledged that ARRA funding will be allocated to the State.

In response to a question, Ms. Stern explained that each of the invoices will be reviewed by Nevada Department of Environmental Protection representatives to ensure applicability to the project. As qualified expenditures are incurred, they will be reimbursed through the State revolving fund. Ms. Stern advised that the project has been approved by State revolving fund staff, and she anticipates no problem with qualification for the ARRA funding. Discussion followed and, in response to a further question, Ms. Stern advised that the Truckee Meadows Water Authority adopted a bond resolution yesterday for a not-to-exceed amount of \$3 million. The Southern Nevada Water Authority plans "to adopt next month for \$2 million; ... Clark County Water Reclamation District also."

Mayor Crowell opened this item to public comment. (10:23:01) John Wagner expressed concern over the potential for a tax increase. Mr. Werner reiterated that the bond will be paid by water system revenues.

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Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 116, an ordinance of the Board of Supervisors of Carson City, Nevada, designated by the short title “2009 Water Bond Ordinance,” providing for the issuance of its general obligation (limited tax) water bond (additionally secured by pledged revenues), series 2009; providing the form, terms and conditions of the bond; providing for the levy and collection of annual general (ad valorem) taxes for the payment of such bond; additionally securing its payment by a pledge of revenues derived from the water system of Carson City, and providing other matters properly related thereto; fiscal impact is \$3.4 million, including principal and interest; it is anticipated that we will qualify for a zero interest loan through the American Recovery and Reinvestment Act of 2009; funding source is water fund service charges. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Crowell recessed the meeting at 10:25 a.m. and reconvened at 10:36 a.m.

18. PARKS AND RECREATION

18(A) ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO AUTHORIZE THE PREPARATION OF A SUMMARY ASSESSMENT REPORT REGARDING THE REHABILITATION TREATMENTS FIVE YEARS AFTER THE WATERFALL FIRE, AND TO AUTHORIZE THE PLACEMENT OF A PHOTOGRAPH IN A PROMINENT PUBLIC BUILDING IN REMEMBRANCE OF THE REHABILITATION EFFORTS AFTER THE WATERFALL FIRE (10:41:56) - Mayor Crowell introduced this item. Open Space / Property Manager Juan Guzman reviewed the agenda report. In response to a question, he offered to include a fire suppression section in the summary assessment. Supervisor Williamson described her personal experience being evacuated from her home during the Waterfall Fire, and noted the number of homes lost to the fire. She commended the acknowledgment of the rehabilitation treatments, and discussed the importance of “remind[ing] ourselves that it can happen at any time, ... and to take advantage of the programs we have since instituted ...” In response to a question, Mr. Guzman discussed one purpose of the summary assessment “to keep awareness of the sheep grazing.” He provided a status report on the most recent grazing project, and discussed a “difference of opinion with the Forest Service ...” He advised of a field trip scheduled for July 17th with U.S. Forest Service, Nevada Division of Forestry, and local fire department representatives to discuss “what is going to happen next year.” He explained the “core of the issue” that the U.S. Forest Service “manages for very specific things; ... we want to manage for fuels in general.” There is, therefore, a “very narrow window” during which the sheep are useful. One purpose of the field trip is to come to an agreement over future fuels reduction projects. City representatives hope to convince U.S. Forest Service representatives that “at least along the interface, we should be thinking fuels rather than one specific type of grass.”

Supervisor Aldean requested Mr. Guzman to include in the summary assessment a section entitled “The Lessons Learned.” (10:49:27) Fire Chief Stacey Giomi advised that lessons learned have been chronicled internally. In addition to the land rehabilitation, he discussed the importance of considering “the rehabilitation of us as a community ... and what we went through.” He suggested that the “best story” is “the resilience of our community and the way that our community came together as a whole; everybody - City employees, citizens, service groups, elected officials ... to get the community through a crisis time. And to keep in our minds, maybe from a compassionate level, the understanding that other communities go through that hundreds of times a year throughout ... our country and the world.” Chief Giomi commended the community “on getting through that and helping ourselves get through that.” Mayor Crowell thanked Chief Giomi for his comments.

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Mayor Crowell opened this item to public comment. (10:51:31) Nevada Division of Forestry Administrator Pete Anderson echoed Chief Giomi's comments, and agreed with the importance of sharing knowledge gained from lessons learned regarding suppression and rehabilitation.

Mayor Crowell entertained a motion. **Supervisor Aldean moved to accept the recommendation of the Open Space Advisory Committee to authorize the preparation of a summary assessment report regarding suppression and rehabilitation treatments five years after the Waterfall Fire, and to authorize the photograph included in the agenda materials in a prominent public building as a remembrance of the rehabilitation efforts after the Waterfall Fire.** In response to a question, Mr. Guzman advised that a photograph had been placed at City Hall. **Supervisor Livermore seconded the motion. Motion carried 5-0.**

18(B) ACTION TO ACCEPT TWO FOREST LEGACY PROJECT SIGNS TO BE INSTALLED AT THE WILSON OPEN SPACE PROPERTY, APNs 007-091-26 AND 007-031-04, LOCATED AT THE CREST OF THE CARSON RANGE TERMINUS OF ASH CANYON TRAIL (10:53:14) - Mayor Crowell introduced this item. Mr. Guzman reviewed the agenda report, and referred to the summary provided to the Board members and the Clerk prior to the start of the meeting.

(10:54:38) Mr. Anderson reviewed the summary, and expressed interest in similar future projects. He noted that the Wilson property connects Carson City open space to a State park, and commended the excellent project which will benefit the citizens for years to come. He commended the Open Space Advisory Committee, Mr. Guzman, Natural Resources Specialist Ann Bollinger, Nevada Division of Forestry staff, and the U.S. Forest Service which "shepherds this program from the Washington level." He advised that a stewardship plan had been developed "which will address management of the property into the future and our NDF crews will be working on some forest health treatments, fuels reduction treatments to bring that piece of property into a condition that we all want to see so that the trees stay healthy."

In response to a question, Mr. Guzman advised of four signs; two each will be placed at the entrance and exit to the properties, which locations he described. Supervisor Livermore suggested placing an additional directional sign, and Mr. Guzman thanked him for the suggestion. In response to a question, Mr. Guzman advised that the Board of Supervisors has not declared Ash Canyon Road a thoroughfare. "Everybody agrees that there is public access." Mr. Guzman provided historic information with regard to the public access. He responded to additional questions regarding the location of the Wilson property in relation to Ash Canyon Road.

Mayor Crowell thanked Mr. Anderson and entertained public comment. When none was forthcoming, Mayor Crowell entertained a motion. **Supervisor Williamson moved to accept four Forest Legacy Project signs to be installed at the Wilson open space property, APNs 007-091-26 and 007-031-04, located at the crest of the Carson Range terminus of Ash Canyon Trail. Supervisor Livermore seconded the motion. Motion carried 5-0.**

18(C) ACTION TO ADOPT A RESOLUTION AUTHORIZING AN EXPENDITURE OF \$120,000 FROM THE QUALITY OF LIFE MAINTENANCE FUND TO THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA FOR MAINTENANCE OF THEIR NEW FACILITY (11:00:15) - Mayor Crowell introduced this item. Parks and Recreation Director Roger Moellendorf provided background information and reviewed the agenda report. In response to a question, Mr. Werner explained the reason for the annual approval requirement, as outlined in the agenda report. Supervisor Aldean suggested that the Boys and Girls Clubs of Western Nevada should use the same funding application form

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as other non-profit organizations. Discussion followed, and Mr. Werner acknowledged that the Board of Supervisors' annual resolution which allocates community support services funding could include the Boys and Girls Clubs allocation "even though the funding comes from a different source."

Supervisor Walt discussed concerns over "opening the doors" for other non-profit organizations to request Question #18 funding. Mr. Moellendorf acknowledged the twelve projects listed in the ballot question explanation, and that other projects could be funded ahead of any of the twelve projects. In response to a further question, he advised that no other non-profit organization would be prevented from making a similar funding request. Decisions over non-profit organization funding requests would be made by the Board. Supervisor Walt noted the City's current financial status, and expressed concern over granting the requested funding. She further noted that none of the previously-referenced twelve projects have been completed. She suggested considering the use of Question #18 funding, on a temporary basis, "for operations and maintenance within the City as a whole ..." rather than considering the increase of franchise fees. Mr. Werner explained the 20 percent allocation of Question #18 funds which can be used for operation and maintenance of parks and recreation facilities. Mr. Moellendorf provided additional explanation of the 40 / 40 / 20 percentage allocations of Question #18 funds, and advised of the original intent to augment general fund support. In response to a further question, he advised that grounds maintenance support of the existing Boys and Girls Clubs facility on Stewart Street is provided by the Parks Department. He anticipated that a portion of the requested funding would be allocated toward installation of the irrigation system, construction of play fields, and landscape at the new Boys and Girls Clubs facility. "As we move forward with the City's project," he suggested the possibility of using a portion of the requested funding for maintenance of the joint use facility. He advised of discussions with Boys and Girls Clubs representatives regarding this possibility. He noted this would be similar to the joint use agreement between the City and the School District. In response to a question, he advised that the Recreation Division's Kinder Latch Key Program was suspended a couple years ago due to the lack of qualified program managers. He noted a general decrease in Recreation Division program participation.

Supervisor Livermore provided historic information on the development and intent of Question #18. "It was always intended that the Boys and Girls Clubs were part of that because they provided ... recreation programming that, in the absence of them, we would have done it." He noted the "initial, up front costs" associated with opening a new facility, such as lawn mowers. "You're not going to buy a lawn mower every year. ... You don't re-do the parking lot ... annually." Supervisor Livermore suggested opportunities to work with the Boys and Girls Clubs to provide mutually beneficial services. Mr. Moellendorf acknowledged that Question #18 funding for the Boys and Girls Clubs facility has been set aside and, when not used at the end of the fiscal year, "turned back into other anticipated projects." In response to a question, he advised that the \$120,000 has been budgeted since 2005. In response to a comment, he advised that the Parks Division has been providing in-kind services in the form of grounds maintenance. In response to a further question, he advised that the Parks Division will no longer perform grounds maintenance at the new Boys and Girls Clubs facility. He was uncertain as to the anticipated savings. In response to a previous comment, he clarified that funding is specifically allocated; Question #18 maintenance funds are used for Question #18 projects.

Mayor Crowell entertained public comment. (11:23:55) Linda Marrone estimated that ten of the twelve projects listed in the Question #18 ballot explanation "have been started. This was supposed to be an ongoing fund for a long time." In reference to Question #18 development, Ms. Marrone stated, "One of the things that we knew is if the Boys and Girls Club failed for any reason it would so overwhelm park and rec that they wouldn't be able to handle it. ... We put that money in there." Ms. Marrone further advised that former Parks and Recreation Department Director Steve Kastens refused to support the ballot question

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without the 40 / 40 / 20 percentage allocations to provide for maintenance of new facilities. In reference to Mr. Moellendorf's comments regarding declining participation in Recreation Division programs, Ms. Marrone advised that Boys and Girls Clubs participation has increased. She provided additional historic information regarding development and passage of Question #18.

Supervisor Walt reiterated concerns over none of the Question #18 projects having been finished, and over "opening the door" to other non-profit organizations. Discussion followed. In response to a previous comment, Mr. Rombardo reviewed the history of legal advice pertinent to Question #18. He expressed the belief there is no inconsistency with the legal advice provided by the former District Attorney. Supervisor Aldean referred to the pro forma presented to the Board in November 2008, and expressed concern that "if the Boys and Girls Clubs becomes dependent upon this money, it may dissuade future Boards to move forward with that joint use facility only in that we went from a recovery rate of 93 percent with that money to a recovery rate of 80 percent without it. And so we would have to, obviously, dip into the general fund to maintain that joint use facility." Supervisor Aldean cautioned the Boys and Girls Clubs representatives regarding the need to continue seeking "alternate sources of long-term maintenance funding if they ever want to realize a joint use facility at that location." Supervisor Livermore agreed, and advised that the \$120,000 was never connected to development of a recreation facility adjacent to the Boys and Girls Clubs facility. He discussed the operational efficiencies made available by a joint-use facility. Mr. Moellendorf suggested "that's another reason why we want to bring this to the Board of Supervisors on an annual basis. ... When we get to the point, hopefully, where we're building that joint use facility, ... it would make sense, as part of the joint use agreement with the Boys and Girls Clubs to suggest that the money be used to maintain the joint use facilities ... the play fields, the parking lot, the tennis courts, the gymnasium ..."

Mr. Rombardo advised that "this is a supply and demand issue for you. ... That's clear in the law. It doesn't have to go to any one person or any one group ..." He confirmed that "anyone can come forward and ask for this as long as they're recreation related. ... Whether or not you want to give that to them is up to you."

Mayor Crowell entertained additional public comment; however, none was forthcoming. Mayor Crowell suggested that the advisory ballot question had a certain amount of explanation provided to the voters. The advisory question was then codified and specifies percentages to be used for certain functions but not projects. Allocation of Question #18 funds, as codified, is pursuant to NRS 244.150, the grant process. Even though the question is not legally binding, "it had a pretty good, clear intent of what the voters of this public wanted to spend those funds on." Mayor Crowell expressed understanding that the funding is available to anyone, but advised that he would consider "what was the intent of the voters when they passed this because the law does give us flexibility."

Supervisor Williamson noted that the community and the Board have always been very supportive of the Boys and Girls Clubs. She reviewed allocations of funding and in-kind services to the Boys and Girls Clubs from various sources over the years. She noted the requirement for the Boys and Girls Clubs to annually request the funding. Supervisor Walt discussed various groups which have requested allocation of Question #18 funds over the years. She expressed concerns over safety issues associated with the Community Center theater. Mr. Moellendorf advised of Question #18 allocations for theater improvements, and acknowledged "it's not a completed project." He reviewed various Question #18 projects which have been started but not yet completed, and discussed additional planned improvements to the Community Center theater. In response to a question, he reiterated there is sufficient funding to complete a portion of the theater seat replacement project, to replace the carpet, and to address the orchestra pit.

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Supervisor Livermore discussed ongoing operations and maintenance requirements for each project, and advised that “generally those components have been funded through the capital improvement project enhancement.” He provided historic information on Community Center theater improvements which would have been funded by the capital improvements program which was frozen. “We still have construction tax money, we still have Question #18 money committed to that,” and Supervisor Livermore expressed the belief that Mr. Moellendorf is committed to completing the project.

Mayor Crowell entertained additional public comment; however, none was forthcoming. Supervisor Aldean suggested a correction to the first paragraph of the proposed resolution included in the agenda materials. Mr. Rombardo acknowledged that his staff had reviewed the proposed resolution. Mayor Crowell entertained a motion. **Supervisor Livermore moved to adopt Resolution No. 2009-R-40, authorizing an expenditure of \$120,000 from the Quality of Life Maintenance Fund to the Boys and Girls Clubs of Western Nevada for maintenance of their new facility, and to amend the resolution to include the insertion of the words “private, non-profit organization,” as discussed.** Supervisor Aldean clarified that the allocation is only for fiscal year 2009 / 2010. **Supervisor Williamson seconded the motion. Motion carried 4-1.**

Former Mayor Marv Teixeira expressed appreciation for the Board’s passage of the resolution. He noted the 13-year history of Question #18, and advised “the intent of what we did was sold to the people.” He discussed the community benefit of the Boys and Girls Clubs facility. He announced a boxing tournament scheduled for 5:00 p.m. on August 13th at the Fairgrounds exhibit hall, the proceeds from which will benefit the Boys and Girls Clubs of Western Nevada.

19. PUBLIC WORKS - PRESENTATION ON THE NORTH DOUGLAS COUNTY WATER SYSTEM ANALYSIS AND ACCEPTANCE OF THE REPORT (11:49:54) - Mayor Crowell introduced this item. Public Works Department Director Andrew Burnham reviewed the agenda report, and advised that both the Town of Minden and the Indian Hills General Improvement District have accepted the subject report. The report will be submitted to the Douglas County Commissioners at their first meeting in August. Mr. Burnham introduced Dave Reuter of Manhard Engineering.

(11:51:21) Mr. Reuter reviewed the executive summary included in the agenda materials. In response to a question, Mr. Burnham advised that agreements will be developed between the parties over the next 12 to 18 months. Supervisor Aldean noted the required improvements in the Town of Minden. In response to a question, Mr. Burnham advised that the Town of Minden has estimated improvement costs at \$15 million. “Part of the program ... is selling about 1,500 acre feet of water to Vidler Water Company” which would be the funding source for improving the Town of Minden’s water production capability. Mr. Burnham acknowledged the 12 to 18 month time table includes all of the required agreements and funding. In response to a further question, he advised that Carson City has some of the required funding and “some of the bonding capability, but we would have to increase our revenues” by increasing rates and selling a bond “to fund our portion of it.” In response to a further question, he advised that no planning for Carson City has been done “beyond 80,000 people.” In response to a comment, he further advised that the City’s comprehensive master plan is based on 80,000 people. Discussion followed, and Mr. Burnham suggested considering an increase to water connection fees for new development.

In response to a comment, Supervisor Aldean pointed out that water rights do not translate to supply. Mr. Burnham acknowledged the accuracy of the statement, and noted the importance of the regional approach to water supply. He acknowledged that the Douglas County water supply will assist Carson City with blending processes associated with the “uranium problem.” Supervisor Livermore noted the direct benefit

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to existing rate payers. Mayor Crowell acknowledged Supervisor Aldean's suggestion to consider an opportunity to reduce demand. On the other hand, he suggested considering whether the City's water rates and connection fees are suppressing demand. Mr. Burnham advised that the City's water rates are typically lower than those of adjacent counties. Discussion ensued, and Mayor Crowell agreed with Mr. Burnham's earlier suggestion to consider the comprehensive master plan.

Mr. Burnham advised that the City will retain title over the subject water rights which will be transferred to Minden. The Town of Minden will have an agreement with the City "to pump our water rights to us" for a fee. Additionally, there will be a fee to transmit the water through the pipeline owned by Douglas County. Mr. Burnham advised of discussions with Vidler Water Company representatives that "water will be available to us to be used until such time as they sell that water or assign it to another third party in the future." This will allow the City to avoid short-term costs for improvements to the City's system. Mr. Burnham described the water as "the cheapest ... we can ... acquire in the short term." He reiterated that several agreements will be presented to the Board of Supervisors in conjunction with this project. Mayor Crowell commended the regionalization of the water system.

Mr. Burnham acknowledged that the expenses allocated are based on degree of benefit. He further acknowledged that the cost for transmitting water through lines the City has helped to install will be considered in light of the same. He estimated the cost "in the pipeline ... on the order of \$.10 per thousand or less." Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to accept the North Douglas County Water System Analysis. Supervisor Williamson seconded the motion. Motion carried 5-0.**

20. PUBLIC WORKS - PLANNING

20(A) ACTION TO ADOPT BILL NO. 114, ON SECOND READING, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ROVENTINI, LLC, REGARDING THE DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT SUBDIVISION KNOWN AS CLEARVIEW RIDGE, LOCATED WEST OF COCHISE STREET BETWEEN WEST ROVENTINI WAY AND WEST OVERLAND STREET, EAST OF VOLTAIRE STREET, APNs 009-263-06, -07, -08, AND -09, TO EXTEND THE APPROVAL OF THE TENTATIVE MAP, AND OTHER MATTERS PROPERLY RELATED THERETO (12:10:12) - Mr. Werner advised that Mr. Rombardo was required to leave the meeting, and that he had reminded Mr. Werner that the Board cannot take action on any bill or ordinance outside the presence of a District Attorney's representative. Following a brief discussion, Mayor Crowell opened the item for discussion and advised that action would be deferred until a District Attorney's representative could be present.

(12:11:49) Attorney Joan Wright advised of having conveyed the Board's comments, from the July 2nd meeting, to Attorney Chris MacKenzie, who committed to doing everything "within his power ... with respect to the Andersen Ranch."

Mayor Crowell provided background information on the subject agenda item, and reiterated that no action would be taken until such time as a District Attorney's representative could be present. (1:33:14) Mayor Crowell reconvened the meeting, provided background information on this item, and entertained a motion. **Supervisor Williamson moved to adopt Bill No. 114, on second reading, Ordinance No. 2009-15, an ordinance approving the development agreement between Carson City and Roventini, LLC, regarding the development of a planned unit development subdivision, known as Clearview Ridge,**

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located west of Cochise Street between West Roventini Way and West Overland Street east of Voltaire Street, APNs 9-263-06, -07, -08, and -09, to extend the approval of the tentative map, and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 5-0.

20(B) ACTION TO ADOPT A RESOLUTION AMENDING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS UNDER THE CARSON CITY GROWTH MANAGEMENT ORDINANCE FOR THE YEARS 2010 AND 2011 AND ESTIMATING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2012 AND 2013, ESTABLISHING THE NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS AVAILABLE WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES, AND ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW (1:34:50) - Mayor Crowell introduced this item. Mr. Plemel reviewed the agenda report and the attached materials in conjunction with a SlideShow presentation. He reviewed the recommendation of the Growth Management Commission, as outlined in the agenda report. He expressed the belief that “stopping residential construction” will not address the City’s level of service needs. There is a tie between economic growth and development and City revenues. In response to a question regarding the City’s vacancy rate, Mr. Plemel advised there is no fiscal analysis associated with the Growth Management ordinance. He acknowledged the information would have been useful, and offered to include it next year. In response to a further question, he advised that the Growth Management program “is not managing the number of people in Carson City; it’s only managing the issuance of building permits. There are other things that fluctuate that affect the actual population.” Mr. Plemel further advised that trends indicate water usage is not linear to population growth. The present trend is that water usage exceeds the actual rate of growth in Carson City. Mr. Plemel continued reviewing background information on the Growth Management Commission’s recommendation, as outlined in the agenda materials and in conjunction with the SlideShow presentation.

Mr. Plemel acknowledged that the 305 residential permit allocation includes a maximum of 30 residential building permits. He further acknowledged these would be custom homes as opposed to lots in a subdivision. In response to a further question, he advised that no custom home builder has ever pulled the maximum 30 building permits. He explained that 31 residential building permits designates a developer. Mr. Werner provided historic information on the maximum 30 residential building permits allocation to a custom builder. Discussion followed.

Mayor Crowell entertained public comment. (1:50:18) Builders Association of Western Nevada Government Affairs Director Sheena Beaver referred to her letter included in the agenda materials. She expressed support for the Growth Management Commission’s recommendation, and requested the Board to approve it.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to adopt a resolution amending the maximum number of residential building permit allocations under the Carson City Growth Management ordinance for years 2010 and 2011, and estimating the maximum number of residential building permits for 2012 and 2013; establishing the number of residential building permit allocations available within the development and general property owner categories; and establishing a maximum average daily water usage for commercial and industrial building permits as a threshold for Growth Management Commission review. Supervisor Aldean seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Mr. Plemel for his presentation.

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20(C) PRESENTATION AND DISCUSSION ONLY REGARDING THE OMNIBUS PUBLIC LANDS MANAGEMENT ACT OF 2009 (“OPLMA”) AS IT RELATES TO THE DISPOSITION OF FEDERAL PROPERTIES WITHIN CARSON CITY (12:13:18) - Planning Division Director Lee Plemel introduced Open Space / Property Manager Juan Guzman and Bureau of Land Management representative Dan Jacquet. Mr. Plemel introduced the subject agenda item, reviewed the agenda report and the Federal Lands Bill Summary included in the agenda materials in conjunction with a PowerPoint presentation. In response to a question, he advised that the bill identifies 150 acres for sale at auction and for no less than fair market value. In response to a further question, he explained that the BLM will incur the costs associated with sale of their land but can recover those costs through the sale proceeds. In response to a further question, he advised that the City will be allowed to recover the costs associated with land sales. Mr. Guzman acknowledged reasonable assurance that the City will be reimbursed at 95 percent for any costs incurred for the sale of property.

(12:22:10) Mr. Jacquet read into the record the provisions of Federal Lands Bill Summary Section 2601(e)(1)(B), Disposition of Proceeds, regarding creation of the “Carson City Special Account” which “shall be available without further appropriation to the Secretary ...” He advised that the proceeds from the sale of the 158 acres “goes into the Carson City account and that is available to the Secretary so it’s not available to the City.” He further advised that the costs will be “BLM’s and we’ll be spending the money appraising, surveying, putting the lands up for sale ...” He expects that the City will incur no costs associated with “the sale of those lands.” In response to a question, Mr. Guzman offered to look into the matter further and provided additional clarification. Mr. Plemel responded to questions regarding the federal lands bill map and allowed land uses. Discussion followed.

Mr. Guzman advised that the federal lands bill provides the opportunity for access to Southern Nevada Public Lands Management Act funding. He further advised that the federal lands within Carson City are also subject to strict regulations regarding the use of motorized vehicles. Until a plan is adopted by the federal agencies, motorized vehicle use is restricted to existing facilities. Additionally, Mr. Guzman advised of specific regulations associated with areas of withdrawal, one of which is that the “normal procedures” used by the BLM, such as recreation and public purpose leases, don’t apply “because now the federal lands bill applies instead.” “The whole idea ... is to further regulate those areas for the purpose of the bill, which is primarily open space.” Certain uses, in accordance with BLM regulations, can still take place “but mining and major things that tend to cause disruption are, for the most part, not permitted.” In conjunction with a displayed slide, Mr. Guzman discussed a conservation easement associated with taking title of lands such as Prison Hill and the Ambrose-Carson River Natural Area. In addition to the conservation easement, “which will also include the participation of other environmental groups,” the City will also be required to deposit \$450,000 “which, pursuant to our formula, is 25 percent of the difference of what we bought the Bernhard property and what we sold it for.” Mr. Guzman acknowledged that C-Hill will be transferred to the City from the U.S. Forest Service. Mr. Plemel pointed it out on a displayed map. In response to a question regarding Prison Hill, Mr. Guzman explained that the City and the BLM will agree on an easement over which the BLM will be the custodian. He responded to questions of clarification. (12:36:28) Mr. Jacquet advised that “in the transfer, the easement will be reserved” by the United States government. In response to a further question, he explained that the law requires the BLM to work with City and local interests to develop the easement. Mr. Guzman advised that the fee title will be the City’s. Mr. Plemel advised that additional detail will be presented to the Board in August.

Mayor Crowell opened this item to public comment; however, none was forthcoming. Supervisor Williamson commended the accomplishment of the federal lands bill. The Board members thanked the gentlemen for their presentation. Mayor Crowell recessed the meeting at 12:38 p.m.

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21. CITY MANAGER

21(A) ACTION TO APPOINT TWO MEMBERS TO THE PLANNING COMMISSION FOR FOUR-YEAR TERMS ENDING JUNE 2013 (1:51:50) - Mayor Crowell introduced this item, and noted the four applicants were present in the meeting room. At Mr. Werner's request, the applicants stepped outside the meeting room.

(1:53:16) Mayor Crowell invited Malkiat Dhami to the podium, and explained the interview procedure. In response to a question regarding his interest in serving as a Planning Commissioner, Mr. Dhami discussed his experience with "his own works" in Carson City, Reno, and Douglas County. He expressed an interest in improving development processes in the City. He discussed his involvement in church fund raising efforts, his experience in a Public Works Department in India, and his community involvement.

In response to a question, Mr. Dhami discussed the need for improved roads and sidewalks in the community. He acknowledged a familiarity with the City's comprehensive master plan, and expressed support for the advisory nature of the Planning Commission to the Board of Supervisors. Mr. Dhami acknowledged having been present for the Board's discussion of the Growth Management Ordinance resolution. Supervisor Aldean advised of past consideration given to amending the criteria for building permit allocations. She explained that the present process includes consideration given to water availability and sewer capacity in addition to the "impact on fire, law enforcement, transportation, the land fill, Health and Human Services, and Parks and Rec." Mr. Dhami acknowledged the importance of considering these components when determining the number of residential building permits to be allocated each year. He suggested that the City's population growth should also be considered. "If the growth of the City is stable, we should recommend accordingly." Mr. Dhami acknowledged agreement with the concept of controlled growth. In response to a question regarding "conflict zoning," Mr. Dhami expressed the opinion that "there should be a buffer between both zoning because commercial is different and residential is different." He suggested sufficient landscape and a minimum of twenty feet "all as the site demands." In response to a further question, he expressed support for considering a noise ordinance. In response to a question, he expressed the opinion that mixed-use development should be avoided. He clarified that the Silver Oak development is "a very big area" and the distance between residential and commercial is acceptable. In response to a question regarding developers contributing to roadway infrastructure, he expressed the opinion that both the City and the developer should "contribute something." Mayor Crowell thanked Mr. Dhami for his application.

(2:05:33) In response to a question, Kevin Hill discussed his interest in serving the community and being more involved in the City's planning process. He advised of having graduated from Carson High School in 1977 and that his son recently graduated from Carson High School. He discussed his regional planning and work experience. In response to a question, he expressed support for downtown mixed-used development in that "it adds another element to downtown that actually brings ... a more consistent base of people ... that utilize downtown businesses." He described downtown mixed-use development as innovative and creative. In response to a question regarding infrastructure issues which coincide with large developments, Mr. Hill expressed the opinion that development is positive "but it also should help pay for the improvements." He expressed support for exploring the possibility of requiring developers to contribute to associated infrastructure improvements. In response to a question regarding the possibility of a noise ordinance, Mr. Hill suggested it would "depend upon the scale ..." He acknowledged the issue of enforcement in consideration of a noise ordinance. In consideration of "conflict zoning," he suggested that "any good plan has zoning elements that would seek to minimize ... conflicts." He reiterated that scale would be a consideration, and discussed the importance of "stay[ing] true to the intent of the plan," and if conflict is apparent, "consider rezoning." He discussed the importance of designated uses in certain zoning

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areas. He acknowledged the responsibility of property owners to understand zoning designations on adjacent properties. In response to a question regarding friction zoning, Mr. Hill acknowledged the importance of efficiency and discussed the importance of careful consideration regarding compatibility of uses. "The incentive for everyone is efficiency and a more connected community." Mr. Hill suggested smaller-scale projects throughout the community "that connect instead of ... a big store right next to a subdivision. ... sometimes the scale gets out of whack and it's too startling a difference." He acknowledged the challenge.

Supervisor Aldean reviewed the criteria for residential building permit allocations according to the Growth Management ordinance. In response to a question, Mr. Hill expressed the opinion that water and sewer capacity and growth rate are "clearly the foundation" for establishing the number of building permit allocations. He acknowledged the importance of the quality of life components as "indicators." Mr. Hill acknowledged having had plenty of opportunity to appear before planning commissions across the State in his capacity as a Question #1 administrator. In response to a further question, he advised that each planning commission has its "own different issues." He commended Carson City's Planning Commission process, noting the expertise represented by the Planning Commissioners and the good relationship between the Planning Commission and the Board of Supervisors. He described the Planning Commission as a "technically very sound, very aware group." In comparison to the other 16 counties, he expressed the opinion that Carson City has more complex and diverse issues to address. Mayor Crowell thanked Mr. Hill for his application.

(2:18:53) In response to a question, Ron Peterson advised of having served as a planning commissioner for two years in another county. "A spot opened up on a city council," and he was appointed to the position. With regard to his interest in serving as a planning commissioner, he discussed his 35 years in real estate and ancillary businesses.

Supervisor Williamson thanked Mr. Peterson for his application. In response to a question, Mr. Peterson advised of never having had the opportunity to personally appear before the Carson City Planning Commission, but has worked with "folks that have." In response to a question, he advised of positive feedback. In response to a further question, he discussed the technical role of Planning Division staff and the planning commissioners' role of "citizens input to that technical side." "With both the technical side and the planning commissioners making a recommendation to the Board, it's your final decision to either go with it or send it back for more review ..." Mr. Peterson expressed the opinion that "a city needs to have and maintain its character," and "the commissioners ... bring that input."

Supervisor Aldean provided background information on the Growth Management resolution passed by the Board earlier in the day, and discussed consideration given to water and sewer capacity as well as "fire, sheriff, transportation, landfill, Health and Human Services, and Parks and Rec." In response to a question, Mr. Peterson expressed support for considering "all of those issues in development." "There has to be a balance. ... We can't outrun our services ... for development because those services, there's a long fuse on planning for those services for the future and development has to go along ..."

Supervisor Livermore commended Mr. Peterson's city council service. In response to a question, Mr. Peterson discussed consideration given to his ownership of Northern Nevada Title Company as a possible conflict of interest. "There's a balance there and you have to be sensitive to it." In reference to his previous planning commission and city council service, he advised of never having "run into anything that was out of the ordinary. [He] very seldom had to abstain" from voting on any issue. In response to a question regarding the possibility of a noise ordinance, Mr. Peterson inquired as to whether the Board of

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Supervisors had received input regarding the need for a noise ordinance. Supervisor Livermore thanked Mr. Peterson for his application.

In response to a question, Mr. Peterson discussed his experience growing up in the Virginia City foothills, and his residence in Carson City. He discussed the importance of maintaining the character of the area. In response to a further question, he advised of having seen communities where mixed-use development has worked very well. He expressed uncertainty as to whether “that would work ... right downtown on Carson Street in the core part of the City.” He expressed excitement over future Carson Street improvements once traffic is diverted to the freeway. Supervisor Walt referred to the Silver Oak development and the coincidental issues of traffic and infrastructure. In response to a question, Mr. Peterson discussed his experience having worked on “both sides of the situation.” “We just always expected that there were a lot of those things that were going to go along with the project and we tried always to pencil those in to the cost of the project.” “You can’t just be autonomous and take a 20-acre site to develop into some form of housing and think that you’re not going to impact that neighborhood. You have to take that all into consideration, what it’s doing to the neighborhood and help with those costs because those can’t be borne by a citizen on the other side of town through taxes and so forth ...” Mayor Crowell thanked Mr. Peterson for his application.

(2:31:15) William Vance acknowledged a continued interest in serving as a Planning Commissioner and, in response to a question, advised that he has enjoyed learning more about Carson City, involvement in the comprehensive master planning process, and in the growth and continued planning of the community.

Supervisor Walt discussed costs associated with submitting plans and drawings to the Planning Commission. In response to a question, Mr. Vance advised that the Planning Commission only reviews residential building plans if a special use permit is required. With regard to the required number of copies, he suggested the question would be more appropriately directed to Building Division staff. He offered to consider the question if it is within the purview of the Planning Commission. In response to a question, Mr. Vance expressed the opinion that downtown mixed-use development is “one of the most important things we have before us.” In response to a further question, he expressed support for requiring developers to fund infrastructure costs associated with development.

Supervisor Livermore thanked Mr. Vance for his service as a Planning Commissioner. In reference to the recently approved wind turbine ordinance, Mr. Vance advised that noise levels were included in the provisions of the ordinance. He discussed support for encouraging the use of alternative energy. In response to a question regarding “conflict zoning,” he discussed the dilemma of only being able to please some of the people some of the time. In reference to the Northridge development and the adjacent Wal-Mart store, he expressed the opinion that there had been “a lack of disclosure to those residents.” He discussed the importance of appropriate transitions in friction areas.

In response to a question, Mr. Vance advised that he is most proud of the priorities established as part of the comprehensive master plan. He discussed difficulties associated with taking action on issues without “a clear cut answer” which will make some people very unhappy. In consideration of input provided by the City’s department heads regarding the annual residential building permit allocations, Mr. Vance expressed the opinion that the entire Growth Management ordinance “needs to be scrapped and reworked.” On the other hand, he expressed understanding for associated impacts to builders and developers being able to obtain financing. He expressed the opinion that “barring any growth spurt that would be somewhere near impossible, we have no growth management.”

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Supervisor Williamson commended Mr. Vance's Planning Commission service. Mr. Vance acknowledged Planning Division staff's efforts to educate the commissioners. In response to a further question, he commended staff's efforts to provide "good examples where this has worked." Mayor Crowell thanked Mr. Vance for his interest in continuing to serve.

Mayor Crowell discussed the qualifications and experience of the four applicants. Supervisor Aldean suggested taking action regarding the incumbent applicant, and **moved to appoint Bill Vance to a four-year term, ending June 2013. Supervisor Livermore seconded the motion. Motion carried 5-0.**

At Supervisor Livermore's suggestion, each of the Board members discussed their preferences for the remaining commission seat. **Supervisor Williamson moved to appoint Malkiat Dhami to the Planning Commission. Supervisor Livermore seconded the motion. Motion carried 5-0.** Mayor Crowell thanked all the applicants. (2:56:47) Mr. Dhami thanked the Board and committed to working very hard.

21(B) ACTION TO ADOPT THE CARSON CITY BUSINESS PLAN AND APPROVE A MONTHLY BUSINESS REVIEW PROTOCOL (2:59:31) - Linda Ritter narrated a PowerPoint presentation of the business plan, copies of which were included in the agenda materials. She responded to questions of clarification and discussion ensued at various points throughout the presentation. She referred to the briefing book, also included in the agenda materials, and described it as "a tool to allow you to review the data that's most important month to month ..." She acknowledged that the briefing book will be available to the public via the City's website. In response to a question, she explained that the initiatives delineated in the business plan are established based on program groups. She offered to create an initiative for community projects. Discussion followed, and Ms. Ritter displayed and reviewed a sample of the briefing book. [Supervisor Aldean left the meeting at 3:39 p.m. A quorum was still present.] Ms. Ritter responded to questions of clarification in conjunction with the displayed initiatives. She acknowledged that each City department will have a score card, and discussed the vision for each score card to "accompany their budget." In response to a question, she anticipates the project to be completed by November. Mr. Werner provided additional clarification. Ms. Ritter requested direction with regard to the frequency by which the Board wishes to review the briefing book. Discussion took place regarding correlation of the business plan initiatives to the City's budget process.

Mayor Crowell entertained public comment. (3:46:53) Bruce Kittess inquired as to "unintended consequences." He commended the City Manager's office on making the Board's agenda and supporting materials available via the City's website. In response to a question, Mr. Werner advised that most of the data is already being collected within the City departments and already being reported "to some extent in some format." The monthly business review protocol will provide "common ground on how to report it." Mr. Werner advised that a part-time employee may be hired to assist in the process. In response to a further question, he advised of no city or county in Nevada which has a similar program.

Mayor Crowell expressed a preference for monthly reports, and Ms. Ritter advised of the intent to present a briefing book mid-August on June's activity. She acknowledged that the briefing book would be posted to the City's website and the Board would have access to a copy. Mayor Crowell entertained a motion. **Supervisor Williamson moved to adopt the Carson City Business Plan and approve the monthly business review protocol. Supervisor Livermore seconded the motion. Motion carried 4-0.** Mayor Crowell thanked Ms. Ritter for her presentation.

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22. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3:50:38) - Supervisor Walt inquired as to the method by which to recognize citizen achievements at the Board level, and Mr. Werner provided direction.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM THE BOARD MEMBERS

STAFF COMMENTS AND STATUS REPORTS

23. ACTION TO ADJOURN (3:53:14) - Supervisor Livermore moved to adjourn the meeting at 3:53 p.m. Supervisor Williamson seconded the motion. Motion carried 4-0.

The Minutes of the July 16, 2009 Carson City Board of Supervisors meeting are so approved this 20th day of August, 2009.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder