

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

Day: Wednesday
Date: April 13, 2016
Time: Beginning at 10:00 am
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

AGENDA

1. Call to Order

2. Roll Call

3. Public Comment:

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

4. For Possible Action: Approval of Minutes -

4.A February 29, 2016

5. For Possible Action: Adoption of the Agenda

6. Agenda Items:

6.A For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding a more transparent way of determining if there is a conflict of interest for an item coming before the Board of Supervisors. (Submitted by David Knighton)

6.B For Possible Action: To recommend to the Board of Supervisors an amendment to Section 7.010 of the Charter to add the language - Publish an annual report indicating compliance with the provisions of Sec 7.010, detailing each line item of public debt, no less than 30 days prior to approval of each fiscal year budget. (Submitted by Chris Carver)

6.C For Possible Action: To recommend to the Board of Supervisors an amendment to Section 2.330 of the Charter to add the language - The Board will establish annual performance criteria for the Manager to be incorporated with his/her employment contract. The Board shall, in concert with the Manager, establish annual performance criteria for all non-elected department heads. (Submitted by Chris Carver)

6.D For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding the term “in the interest of the general public” to be defined by geography, demography, or some quantifiable term. (Submitted by Chris Carver)

6.E For Possible Action: To recommend to the Board of Supervisors an amendment to Section 2.180 of the Charter to revise the language regarding a "pound keeper" to reflect that the Board may contract or appoint an animal services officer. (Submitted by Chris Carver)

6.F For Possible Action: To recommend to the Board of Supervisors an amendment to Section 2.320 of the Charter to remove the section wherein advisory boards may be comprised of elected officials. (Submitted by Chris Carver)

6.G For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding changing the oversight of the Chief of Alternative Sentencing to the courts/judges. (Submitted by Jim Shirk)

6.H For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding the appointment of members to the Community Development Block Grant Application Review Workgroup. (Submitted by Jim Shirk)

6.I For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding impaneling a grand jury. (Submitted by Jim Shirk)

6.J For Possible Action: Discussion on any new agenda items and discussion of future meeting dates and possible direction to staff. (Nick Marano)

7. Public Comment:

The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.

8. For Possible Action: To Adjourn

Agenda Management Notice - Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Titles of agenda items are intended to identify specific matters. If you desire detailed information concerning any subject matter itemized within this agenda, you are encouraged to call the responsible agency or the City Manager’s Office. You are encouraged to attend this meeting and participate by commenting on any agenda item.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Manager’s Office in writing at 201 North Carson Street, Carson City, NV, 89701, or by calling (775) 887-2100 at least 24 hours in advance.

To request a copy of the supporting materials for this meeting contact Janet Busse at jbusse@carson.org or call (775) 887-2100.

This agenda and backup information are available on the City's website at www.carson.org/agendas and at the City Manager's Office - 201 N. Carson Street, Ste 2, Carson City, Nevada (775) 887-2100.

This notice has been posted at the following locations:
Community Center 851 East William Street
City Hall 201 North Carson Street
Carson City Library 900 North Roop Street
Community Development Permit Center 108 East Proctor Street
<https://notice.nv.gov/>

DRAFT MINUTES
Regular Meeting
Carson City Charter Review Committee
Monday, February 29, 2016 ● 3:00 PM
Community Center Sierra Room, 851 East William Street, Carson City, Nevada

Board Members:

Vice Chair – Bruce Robertson	Member – Kimberly Fiegehen
Member – Michael Matuska	Member – Larry Messina
Member – Keith Shaffer	Member – Ben Steele
Member – Judy Welch	

Staff:

Nick Marano, City Manager
Adriana Fralick, Chief Deputy District Attorney
Tamar Warren, Deputy Clerk

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

The minutes and audio recordings of the Carson City Charter Review Committee meetings are available on www.carson.org/minutes.

1. CALL TO ORDER

(3:00:58) – Vice Chairperson Robertson called the meeting to order at 3:00 p.m.

2. ROLL CALL

(3:01:04) – Roll was called and a quorum was present.

Attendee Name	Status	Arrived
Bruce Robertson	Present	
Michael Matuska	Present	
Kimberly Fiegehen	Present	
Larry Messina	Present	
Keith Shaffer	Present	
Ben Steele	Present	
Judy Welch	Present	

3. PUBLIC COMMENT

(3:01:28) – None.

4. FOR POSSIBLE ACTION: ADOPTION OF THE AGENDA

(3:01:37) – **MOTION: I move to approve the agenda as presented.**

RESULT:	APPROVED (7-0-0)
MOVER:	Steele
SECONDER:	Shaffer
AYES:	Robertson, Matuska, Fiegehen, Messina, Shaffer, Steele, Welch
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

5. INTRODUCTION OF CHARTER REVIEW COMMITTEE MEMBERS.

(3:01:53) – At the Vice Chair’s request, all members introduced themselves.

6. AGENDA ITEMS

A. TO ELECT A CHAIR AND VICE CHAIR.

(3:04:40) – Vice Chairperson Robertson introduced the item and entertained nominations.

(3:04:50) – MOTION: I move to nominate Bruce Robertson to the position of Chair

RESULT:	APPROVED (7-0-0)
MOVER:	Messina
SECONDER:	Shaffer
AYES:	Robertson, Matuska, Fiegehen, Messina, Shaffer, Steele, Welch
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(3:05:28) – MOTION: I move to nominate Michael Matuska to the position of Vice Chair.

RESULT:	APPROVED (7-0-0)
MOVER:	Messina
SECONDER:	Steele
AYES:	Robertson, Matuska, Fiegehen, Messina, Shaffer, Steele, Welch
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

B. FOR DISCUSSION ONLY: REVIEW AND DISCUSSION OF THE NEVADA OPEN MEETING LAW.

(3:05:58) – Chairperson Robertson introduced the item and Ms. Fralick noted that several clarifications and changes were made to the Open Meeting Law as a result of SB 70, passed during the last legislative session. She also highlighted the relevant items to this Committee, such as having minutes ready for approval 45 days after a meeting or at the next meeting, whichever is later. Ms. Fralick explained that “alternates” are allowed only if an

authority is created to authorize alternates, which did not apply to this body unless the charter was revised. She confirmed that training for the Open Meeting Law was required, adding that the District Attorney’s (DA) Office website contained a recorded training available to all Committee members. Additionally, Ms. Fralick clarified that an updated version of the training was planned by the DA’s office around the April timeframe. Member Welch stated that the Nevada Department of Transportation (NDOT) had provided training on the subject as well. She was also informed by Ms. Fralick that the members could meet at social events; however, they were prohibited from deliberation and from serial communication.

C. FOR POSSIBLE ACTION: REVIEW AND DISCUSSION ON THE PROCESS AND TIMELINE FOR THE 2016 CHARTER REVIEW COMMITTEE AND POSSIBLE DIRECTION TO STAFF.

(3:11:15) – Chairperson Robertson introduced the item. Mr. Marano reminded the Committee that the meetings must conclude by mid-June in order to be prepared for the joint meeting with the Board of Supervisors in July. He also noted that the public could provide input to the Committee in three different ways: by reaching out to each Committee member; by contacting the Chair; or by contacting the City Manager’s Office. Chairperson Robertson stated that some of the issues discussed in previous years may resurface and suggested members review those. In response to a question by Member Shaffer, Mr. Marano explained the noticing process of the meeting, including the required postings in public areas, on the City’s website and social media site, and notices in the Nevada Appeal to solicit input from the public and community leaders. Vice Chair Matuska inquired about key issues that have been heard by the Committee and was informed by Mr. Marano that the voting by ward proposal was an item felt passionately by many. Ms. Fralick clarified that the Committee’s recommendations are either approved by the Board of Supervisors as part of their bill packet, or, if not approved, presented by the Committee (after being voted upon) to an elected legislator for sponsorship.

(3:18:30) – Vice Chairperson Matuska suggested holding the next meeting after March 31, 2016 as the public was noticed to provide input by that date. Ms. Fralick noted that input may be received after that date as well either during the public comment period or by the methods outlined above by Mr. Marano. Discussion ensued regarding the members’ and the Sierra Room availability during certain dates and times.

(3:35:51) – MOTION: I move to approve the following future meeting dates: April 13, 2016 at 10:00 a.m., May 4, 2016 at 10:00 a.m., May 26, 2016 at 2:00 p.m., June 14, 2016 at 5:30 p.m.

RESULT:	APPROVED (7-0-0)
MOVER:	Messina
SECONDER:	Shaffer
AYES:	Robertson, Matuska, Fiegehen, Messina, Shaffer, Steele, Welch
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

D. FOR POSSIBLE ACTION: TO SET THE DATE AND TIME FOR THE NEXT CHARTER REVIEW COMMITTEE MEETING.

Per agenda item 6C discussion, the next meeting is scheduled for April 13, 2016 at 10:00 a.m.

7. PUBLIC COMMENT

No members of the public were present.

8. FOR POSSIBLE ACTION: TO ADJOURN

(3:37:22) – Chairperson Robertson adjourned the meeting at 3:37 p.m.

The Minutes of the February 29, 2016 Carson City Charter Review Committee meeting are so approved this 13th day of April, 2016.

BRUCE ROBERTSON, Chair



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: David Knighton

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding a more transparent way of determining if there is a conflict of interest for an item coming before the Board of Supervisors.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to the Charter regarding a more transparent way of determining if there is a conflict of interest for an item coming before the Board of Supervisors.

Suggestion

I have noticed at times a Supervisor will declare that they do not have a conflict of interest for an item coming before the Board. It would seem to me that a more transparent way of determining whether there is a conflict of interest or not is for that potential conflict be reviewed by a neutral party and not the Supervisor affected. This is not to imply that any particular Supervisor may not be honest but something important enough for them to have to cite particular wording declaring they have no conflict is in itself a conflict, it would seem. Anyway, thank you for your time.

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

Name:**T :**

David G. Knighton

E-mail:**T :**

knighton.d@sbcglobal.net

Suggestion:**T :**

Hello, I have noticed at times a Supervisor will declare that they do not have a conflict of interest for an item coming before the Board. It would seem to me that a more transparent way of determining whether there is a conflict of interest or not is for that potential conflict be reviewed by a neutral party and not the Supervisor affected. This is not to imply that any particular Supervisor may not be honest but something important enough for them to have to cite particular wording declaring they have no conflict is in itself a conflict, it would seem. Anyway, thank you for your time. David



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Chris Carver

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to Section 7.010 of the Charter to add the language - Publish an annual report indicating compliance with the provisions of Sec 7.010, detailing each line item of public debt, no less than 30 days prior to approval of each fiscal year budget.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to Section 7.010 of the Charter to add the language - Publish an annual report indicating compliance with the provisions of Sec 7.010, and detailing each line item of public debt, no less than 30 days prior to approval of each fiscal year budget.

Suggestion

Add to Sec 7.010. Publish an annual report indicating compliance with the provisions of Sec 7.010, 1 and detailing each line item of public debt, no less than 30 days prior to approval of each fiscal year budget.

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Name:

T :

Chris Carver

E-mail:

T :

chris@chriscarver.org

Suggestion:

T :

The following suggestions are provided for revision of the Carson City Charter:

Add to Sec 7.010. Publish an annual report indicating compliance with the provisions of Sec 7.010, 1 and detailing each line item of public debt, no less than 30 days prior to approval of each fiscal year budget.

ARTICLE 7 - Local Bonds and Franchises

Sec. 7.010 Debt limit.

1. Carson City shall not incur an indebtedness for the City as a whole which with the indebtedness then outstanding for the City as a whole exceeds 15 percent of the total assessed valuation of the taxable property within the boundaries of the City, as shown by the last preceding assessment for general (ad valorem) tax purposes. Indebtedness incurred by Ormsby County before the effective date of this Charter must be considered in determining the debt limitation of the City as a whole.

2. Any indebtedness of Carson City incurred before the effective date of this Charter, or of the taxing district or districts which incorporate the former urban district, must not be considered in determining the debt limitation of the City as a whole.

3. In determining any debt limitation under this section, the following is not counted as indebtedness:

(a) Any revenue bonds, unless the full faith and credit of the City is also pledged to their payment.

(b) Any special assessment bonds, although a deficiency in the proceeds of the assessments is required to be paid from the General Fund of the City.

(c) Any short-term securities issued in anticipation of and payable from property taxes levied for the current fiscal year.

(Ch. 213, Stats. 1969 p. 307; A—Ch. 690, [Stats. 1979 p. 1864](#); Ch. 313, [Stats. 1983 p. 757](#); Ch. 425, [Stats. 1983 p. 1060](#))



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Chris Carver

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to Section 2.330 of the Charter to add the language - The Board will establish annual performance criteria for the Manager to be incorporated with his/her employment contract. The Board shall, in concert with the Manager, establish annual performance criteria for all non-elected department heads.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to Section 2.330 of the Charter to add the language - The Board will establish annual performance criteria for the Manager to be incorporated with his/her employment contract. The Board shall, in concert with the Manager, establish annual performance criteria for all non-elected department heads.

Suggestion

Add to Sec 2.330. The Board will establish annual performance criteria the Manager to be incorporated with his/her employment contract. The Board shall, in concert with the Manager, establish annual performance criteria for all non-elected department heads.

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

Name:

T :

Chris Carver

E-mail:

T :

chris@chriscarver.org

Suggestion:

T :

The following suggestions are provided for revision of the Carson City Charter:

Add to Sec 2.330. The Board will establish annual performance criteria the Manager to be incorporated with his/her employment contract. The Board shall, in concert with the Manager, establish annual performance criteria for all non-elected department heads.

Sec. 2.330 Employees: Merit Personnel System.

1. The Board of Supervisors shall establish a Merit Personnel System for all employees of Carson City except those exempted under the provisions of subsection 4.

2. The Board of Supervisors shall administer this section through the adoption of appropriate regulations which shall provide for:

(a) The classification of all positions, not exempt from the Merit Personnel System, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whatsoever whenever warranted by changed circumstances.

(b) A pay plan for all employees, including exempt employees other than elected officers that are covered in [NRS 245.043](#).

(c) Policies and procedures for regulating reduction in force and the removal of employees.

(d) Hours of work, attendance regulations and provisions for sick and vacation leave.

(e) Policies and procedures governing persons holding temporary or provisional appointments.

(f) Policies and procedures governing relationships with employees and employee organizations.

(g) Policies concerning employee training and development.

(h) Grievance procedures.

(i) Other policies and procedures necessary for the administration of a Merit Personnel System.

3. In the event of a conflict between the policies and procedures adopted pursuant to this section and the provisions of a collective bargaining agreement entered into pursuant to [chapter 288](#) of NRS, the provisions of the agreement prevail.

4. There are exempted from the provisions of this section:

(a) The Manager and all department heads, elected or appointed;

(b) All deputy district attorneys;

(c) Not more than six employees in the Office of the Sheriff, as designated by the Sheriff; and

(d) Not more than two deputies each in the offices of the Clerk, the Treasurer, the Recorder, the Assessor, and any other department created by this Charter or by ordinance.

(Added—Ch. 690, [Stats. 1979 p. 1857](#); A—Ch. 238, [Stats. 2007 p. 814](#))



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Chris Carver

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding the term "in the interest of the general public" to be defined by geography, demography, or some quantifiable term.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to the Charter regarding the term "in the interest of the general public" to be defined by geography, demography, or some quantifiable term.

Suggestion

The term "in the interest of the general public" is not defined by NRS of the charter. However, the board has certain powers to act if such action is in the "interest of the general public." This terminology should be defined by geography, demography, or some quantifiable term. Several Board actions have been found to be in the "interest of the general public" which were opposed by the majority of the residents or benefited a select group of individuals.

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

Name:**T :**

Chris Carver

E-mail:**T :**

chris@chriscarver.org

Suggestion:**T :**

The following suggestions are provided for revision of the Carson City Charter:

The term "in the interest of the general public" is not defined by NRS of the charter. However, the board has certain powers to act if such action is in the "interest of the general public." This terminology Should be defined by geography, demography, or some quantifiable term. Several Board actions have been found to be in the "interest of the general public" which were opposed by the majority of the residents or benefited a select group of individuals.



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Chris Carver

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to Section 2.180 of the Charter to revise the language regarding a "pound keeper" to reflect that the Board may contract or appoint an animal services officer.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to Section 2.180 of the Charter to revise the language regarding a "pound keeper" to reflect that the Board may contract or appoint an animal services officer.

Suggestion

The following suggestions are provided for revision of the Carson City Charter:

Sec 2.180. Revise the language regarding a "pound keeper" to reflect that the Board may contract or appoint an animal services officer. The text through the charter should reflect that the "pound keeper" or animal services officer is not a public officer as defined by NRS. This section also conflicts with current municipal code which allows NHS to retain all proceeds arising from licensing etc. Consequently, the code is not in compliance with the charter and this discrepancy should be resolved."

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

Name:**T :**

Chris Carver

E-mail:**T :**

chris@chriscarver.org

Suggestion:**T :**

The following suggestions are provided for revision of the Carson City Charter:

Sec 2.180. Revise the language regarding a "pound keeper" to reflect that the Board may contract or appoint an animal services officer. The text through the charter should reflect that the "pound keeper" or animal services officer is not a public officer as defined by NRS. This section also conflicts with current municipal code which allows NHS to retain all proceeds arising from licensing etc. Consequently, the code is not in compliance with the charter and this discrepancy should be resolved.

Sec. 2.180 Power of Board: Animals and poultry. The Board may:

1. Fix, impose and collect an annual per capita tax on all dogs and provide for the capture and disposal of all dogs on which the tax is not paid.
2. Regulate or prohibit the running at large within Carson City of all kinds of animals and poultry, establish a pound, appoint a Poundkeeper and prescribe his or her duties, distrain and impound animals and poultry running at large, and provide for the disposition of such animals and poultry. The proceeds arising from the disposition of such animals and poultry, after the payment of all costs, must be deposited in the Treasury to be disposed of according to law.
3. Prohibit cruelty to animals.

(Ch. 213, Stats. 1969 p. 298; A—Ch. 690, [Stats. 1979 p. 1857](#); Ch. 425, [Stats. 1983 p. 1059](#); Ch. 341, [Stats. 1999 p. 1407](#))



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Chris Carver

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to Section 2.320 of the Charter to remove the section wherein advisory boards may be comprised of elected officials.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to Section 2.320 of the Charter to remove the section wherein advisory boards may be comprised of elected officials.

Suggestion

Sec 3.320[sic]. Remove the section wherein advisory boards may be comprised of elected officials. The intent and purpose of the advisory board is specified by the establishment of the board. Allowing elected board members to then serve on an advisory board (especially in a voting capacity) negates the independence of the advisory board from influence by the Board and allows Board members to unduly influence the conduct and outcome of the advisory boards.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

Name:**T :**

Chris Carver

E-mail:**T :**

chris@chriscarver.org

Suggestion:**T :**

The following suggestions are provided for revision of the Carson City Charter:

Sec 3.320. Remove the section wherein advisory boards may be comprised of elected officials. The intent and purpose of the advisory board is specified by the establishment of the board. Allowing elected board members to then serve on an advisory board (especially in a voting capacity) negates the independence of the advisory board from influence by the Board and allows Board members to unduly influence the conduct and outcome of the advisory boards.

Sec. 2.320 Power of Board: Advisory boards. The Board may by resolution or ordinance create advisory boards comprised of elected and appointed officers and representatives of the people of Carson City to advise the Board of Supervisors in specific areas of local government, including, without limitation, public safety, public employees, finance, human resources and public property and facilities. A person serving on an advisory board that only serves Carson City must be a resident of Carson City and registered to vote in Carson City.

(Added—Ch. 690, [Stats. 1979 p. 1857](#); A—Ch. 72, [Stats. 2001 p. 520](#))



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Jim Shirk, jshirk@carson.org

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding changing the oversight of the Chief of Alternative Sentencing to the courts/judges.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to the Charter regarding changing the oversight of the Chief of Alternative Sentencing to the courts/judges.

Suggestion

The NRS statute shown below pertains to the Chief of Alternative Sentencing - however it does not clearly define to whom the Chief reports to.

I propose that the Chief of Alternative should be under the leadership/ or report to - Carson City Judicial branch of Carson City for clarity purposes the Courts/Judges

NRS 211A.065 "Governing body" defined. "Governing body" means the governing body of a county or a city.

NRS 211A.100 Qualifications of chief. The chief:

1. Must be appointed by the action of a majority of the governing body.

This NRS continues however nowhere in this Statute does it state to whom the Alternative Sentencing Chief shall report to. Presently this position is held accountable to the city manager. There is no prerequisite that the city manager shall have any type of training, background or education in alternative sentencing. How the department of alternative sentencing interacts with Court system, the Sheriff and the District Attorney within the scope of the city manager ability to best serve the community and more importantly those individuals in the system this should be evaluated.

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Name:**T :**

Jim Shirk

E-mail:**T :**

jshirk@carson.org

Suggestion:**T :**

The NRS statute shown below pertains to the Chief of Alternative Sentencing - however it does not clearly define to whom the Chief reports to. I propose that the Chief of Alternative should be under the leadership/ or report to - Carson City Judicial branch of Carson City for clarity purposes the Courts/Judges NRS 211A.065 "Governing body" defined. "Governing body" means the governing body of a county or a city. NRS 211A.100 Qualifications of chief. The chief: 1. Must be appointed by the action of a majority of the governing body. This NRS continues however nowhere in this Statute does it state to whom the Alternative Sentencing Chief shall report to. Presently this position is held accountable to the city manager. There is no prerequisite that the city manager shall have any type of training, background or education in alternative sentencing. How the department of alternative sentencing interacts with Court system, the Sheriff and the District Attorney within the scope of the city manager ability to best serve the community and more importantly those individuals in the system this should be evaluated

CHAPTER 211A - DEPARTMENT OF ALTERNATIVE SENTENCING

NRS 211A.065 “Governing body” defined. “Governing body” means the governing body of a county or a city.

(Added to NRS by [2009, 2257](#))

NRS 211A.070 “Probationer” defined. “Probationer” means a person who has been convicted of a misdemeanor, who:

1. Has had his or her sentence suspended pursuant to [NRS 4.373](#) or [5.055](#), and is serving that suspended sentence; or
2. Has been sentenced to a term of residential confinement pursuant to [NRS 4.3762](#) or [5.076](#), and is serving that term of residential confinement.

(Added to NRS by [1995, 871](#))

NRS 211A.075 “Supervised releasee” defined. “Supervised releasee” means a person who has been charged with or convicted of a misdemeanor, gross misdemeanor or felony and who has been released from custody before trial or sentencing, subject to the conditions imposed by the court.

(Added to NRS by [2013, 490](#))

NRS 211A.080 Creation of department. The governing body of each county or city may create a department of alternative sentencing to provide a program of supervision for probationers and supervised releasees in accordance with any conditions imposed by the court.

(Added to NRS by [1995, 872](#); A [2009, 2257](#); [2013, 491](#))

NRS 211A.090 Powers and duties of department. The department:

1. May supervise a probationer or a supervised releasee who, as a condition of a suspended sentence, a sentence to residential confinement or pretrial or presentence release, is released under the supervision of the department by the court.

2. Shall, at the time a probationer or a supervised releasee is released under the supervision of the department:

(a) Provide the probationer or the supervised releasee with a written statement describing the terms or conditions of the suspended sentence, residential confinement or pretrial or presentence release imposed by the court; and

(b) Explain the terms or conditions to the probationer or the supervised releasee.

3. Must be knowledgeable about the conduct and activities of each probationer and supervised releasee under the supervision of the department.

4. Shall use all reasonable methods to assist a probationer or a supervised releasee under the supervision of the department to improve his or her conduct and comply with the terms or conditions of his or her suspended sentence, residential confinement or pretrial or presentence release.

5. Shall collect and disburse any money in accordance with the orders of the court and make a written record of any money so collected or disbursed.

6. Shall cooperate with and assist any agency of law enforcement and any agency providing social services as requested by the court, or as necessary to fulfill the duties of the department.

(Added to NRS by [1995, 872](#); A [2013, 491](#))

NRS 211A.100 Qualifications of chief. The chief:

1. Must be appointed by the action of a majority of the governing body.

2. Must have at least 5 years of experience, with an increasing level of responsibility, in the field of law enforcement, corrections or supervision of persons on probation, parole or pretrial or presentence release.

3. Is in the unclassified service of the county.

(Added to NRS by [1995, 872](#); A [2009, 2258](#); [2013, 491](#))

NRS 211A.110 Duties of chief. The chief shall:

1. Hire assistant alternative sentencing officers and other employees as necessary to carry out the responsibilities of the department within the limitations of appropriations to the department by the governing body.

2. Direct the work of all assistants and employees.

3. Be responsible for the fiscal affairs of the department.

4. Be responsible for the completion of any report regarding an investigation or the supervision of a probationer or a supervised releasee and any report requested by the court or the governing body.

5. After reviewing and considering recognized correctional programs and courses for training correctional staff, develop and provide to assistants and other employees training in methods and policies regarding the investigation and supervision of probationers and supervised releasees, the recordkeeping of the department and the reporting on matters relating to probationers and supervised releasees.

6. Submit a written report, on or before January 31 of each year, to the governing body and to each court having jurisdiction over a probationer or a supervised releasee under the chief's supervision, setting forth in detail the activities of the department during the previous calendar year. The report must include statistical data concerning the department's activities and operations and the probationers or the supervised releasees who were under the supervision of the department during that period.

7. Advise the court of any probationer or supervised releasee who has violated the terms or conditions of his or her suspended sentence, residential confinement or pretrial or presentence release.

(Added to NRS by [1995, 872](#); A [2009, 2258](#); [2013, 491](#))



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Jim Shirk, jshirk@carson.org

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding the appointment of members to the Community Development Block Grant Application Review Workgroup.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to the Charter regarding the appointment of members to the Community Development Block Grant Application Review Workgroup.

Suggestion

That the Board of Supervisors appoint five members to the Application Review Workgroup, and city staff makes one selection to this group that oversees the annual Community Development Block Grant projects.

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Name:

T :
jim shirk

E-mail:

T :
jshirk@carson.org

Suggestion:

T :
that the Baord of supervisor appoints five members to the Application Review Workgroup , and city staff makes one select to this group that oversees the annual Community Development Block Grant projects



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Online Submission: Jim Shirk, jshirk@carson.org

Agenda Title: For Possible Action: To recommend to the Board of Supervisors an amendment to the Charter regarding impaneling a grand jury.

Agenda Action: Formal Action/Motion

Proposed Motion

I move (to recommend) (not to recommend) to the Board of Supervisors an amendment to the Charter regarding impaneling a grand jury.

Suggestion

The last time Carson City had a grand jury examination of the city accounting of our budget or book keeping practices was in 1997 (19 years ago), this is far too long without an independent third party analysis of our (Carson City) financing practices and record keeping.

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

Name:**T :**

Jim Shirk

E-mail:**T :**

jshirk@carson.org

Suggestion:**T :**

the last time carson city had an grand jury examination of the ciy accounting of our budget or book keeping practices was in 1997 (19 years ago), this is far to long without an indpentent third party analysis of our(carson city) financing pratices and record keeping.....

IMPANELING GRAND JURIES

NRS 6.110 Counties whose population is 100,000 or more: Selection of jurors and alternate jurors; listing and summoning jurors.

1. In any county having a population of 100,000 or more, the selection of persons as proposed grand jurors must be made in the manner prescribed in this section upon notice from any district judge as often as the public interest may require and at least once in each 4 years. The clerk of the court under the supervision of the district judge presiding over the impaneling of the grand jury shall select at random the names of at least 500 persons to be called as prospective grand jurors. The clerk shall prepare and mail to each person whose name was selected a questionnaire prepared by the district judge stating the amount of pay, the estimated time required to serve and the duties to be performed. Each recipient of the questionnaire must be requested to complete and return the questionnaire, indicating on the questionnaire his or her willingness and availability to serve on the grand jury. The clerk shall continue the selection of names and mailing of questionnaires until a panel of 100 qualified persons who are willing to serve is established.

2. A list of the names of persons who indicated their willingness to serve as grand jurors must be made by the clerk of the court and a copy furnished to each district judge. The district judges shall meet within 15 days thereafter and shall, in order of seniority, each select one name from the list until at least 50 persons have been selected. A list of the names of the persons selected as proposed grand jurors must be made by the clerk, certified by the chief judge of the district court and filed in the clerk's office. The clerk shall immediately issue a venire, and the court shall summon the proposed grand jurors to attend in court at such time as the district judge directs.

3. The court shall summon the proposed grand jurors, and the district judge presiding over the impaneling of the grand jury shall select at random from their number 17 persons to constitute the grand jury and 14 persons to act as alternate grand jurors. If for any reason an insufficient number of proposed grand jurors fail to appear, additional proposed grand jurors sufficient to complete the panel of grand jurors and alternates must be selected from the list of prospective grand jurors by the district judge presiding over the impaneling, and the persons so selected must be summoned to appear in court at such time as the district judge directs.

4. Every person named in the venire as a grand juror must be served by the court mailing a summons to the person commanding the person to attend as a juror at a time and place designated in the summons. The summons must be registered or certified and deposited in the post office addressed to the person at his or her usual mailing address. The receipt of the person so addressed for the registered or certified summons must be regarded as personal service of the summons upon the person and no mileage may be allowed for service.

5. If for any reason a person selected as a grand juror is unable to serve on the grand jury until the completion of its business, the district judge shall select one of the alternate grand jurors to serve in his or her place.

[Part 8:65:1873; A 1879, 33; 1881, 26; 1915, 167; 1919, 377; 1927, 220; 1929, 45; 1943, 178; 1949, 513; 1943 NCL § 8478]—(NRS A 1959, 764; 1961, 403; 1965, 248; 1969, 313; 1973, 341, 1271; [1979, 293, 499](#); [1981, 332](#); [1983, 382](#); [1985, 1030](#); [2011, 8](#))

NRS 6.120 Counties whose population is less than 100,000: Selection of jurors and alternate jurors; listing and summoning jurors.

1. In any county having a population of less than 100,000, the county clerk under the supervision of the district judge, shall randomly select the names of 50 qualified persons to serve as prospective grand jurors. The county clerk shall then prepare and mail to each person whose name was selected a questionnaire drawn up by the district judge or presiding district judge, where applicable, stating the amount of pay, the estimated time required to serve, and the duties to be performed. Each recipient of the questionnaire shall be requested to return the questionnaire, indicating on it his or her willingness to serve on the jury. The county clerk shall continue the selection of names and mailing of questionnaires until a panel of 36 persons who are willing to serve is established. The requirement of subsection 1 of [NRS 6.110](#) that a grand jury must be called at least once in every 4 years does not apply to the county unless the district judge otherwise directs. A list of the names of the 36 persons who indicate their willingness to serve as grand jurors must be made and certified by the county clerk and filed in the county clerk's office, and the clerk shall immediately issue a venire, directed to the sheriff of the county, commanding the sheriff to summon the persons willing to serve as grand jurors to attend in court at such time as the district judge may have directed.

2. The sheriff shall summon the grand jurors, and out of the number summoned each district judge in rotation according to seniority, shall select one name from the venire until 17 persons to constitute the grand jury and 12 persons to act as alternate grand jurors are chosen.

3. Every person named in the venire as a grand juror shall be served by the sheriff mailing a summons to that person commanding the person to attend as a juror at a time and place designated therein, which summons shall be

registered or certified and deposited in the post office addressed to the person at his or her usual post office address. The receipt of the person addressed for the registered or certified summons must be regarded as personal service of the summons upon that person and no mileage may be allowed for service. The postage and fee for registered or certified mail must be paid by the sheriff and allowed him or her as other claims against the county.

4. If for any reason a person selected as a grand juror is unable to serve on the grand jury until the completion of its business, the district judge shall select one of the alternate grand jurors to serve in his or her place. The alternate shall be served by the sheriff in the manner provided in subsection 3.

[Part 8a:65:1873; added 1949, 513; 1943 NCL § 8478.01]—(NRS A 1959, 765; 1961, 404; 1969, 95; 1973, 1272; [1979, 500](#); [1981, 333](#); [1985, 1031](#))

NRS 6.130 Permissible summoning of grand jury by filing of affidavit or petition by taxpayer.

1. In any county, if the statute of limitations has not run against the person offending, the district judge may summon a grand jury after an affidavit or verified petition by any taxpayer of the county accompanied by and with corroborating affidavits of at least two additional persons has been filed with the clerk of the district court, setting forth reasonable evidence upon which a belief is based that there has been a misappropriation of public money or property by a public officer, past or present, or any fraud committed against the county or state by any officer, past or present, or any violation of trust by any officer, past or present. The district judge shall act upon the affidavit or petition within 5 days. If he or she fails or refuses to recall or summon a grand jury, the affiant or petitioner may proceed as provided in [NRS 6.140](#).

2. If there is a grand jury in recess, the court shall recall that grand jury. If there is not a grand jury in recess, a new grand jury must be summoned.

[Part 8:65:1873; A 1879, 33; 1881, 26; 1915, 167; 1919, 377; 1927, 220; 1929, 45; 1943, 178; 1949, 513; 1943 NCL § 8478] + [Part 8a:65:1873; added 1949, 513; 1943 NCL § 8478.01]—(NRS A 1961, 674; 1967, 863, 1468; [1985, 1032](#); [2001, 751](#))

NRS 6.132 Summoning of grand jury by filing of petition by committee of registered voters.

1. A committee of petitioners consisting of five registered voters may commence a proceeding to summon a grand jury pursuant to this section by filing with the clerk of the district court an affidavit that contains the following information:

- (a) The name and address of each registered voter who is a member of the committee.
- (b) The mailing address to which all correspondence concerning the committee is to be sent.
- (c) A statement that the committee will be responsible for the circulation of the petition and will comply with all applicable requirements concerning the filing of a petition to summon a grand jury pursuant to this section.
- (d) A statement explaining the necessity for summoning a grand jury pursuant to this section.

2. A petition to summon a grand jury must be filed with the clerk by a committee of petitioners not later than 180 days after an affidavit is filed pursuant to subsection 1. The petition must contain:

(a) The signatures of registered voters equal in number to at least 25 percent of the number of voters voting within the county at the last preceding general election. Each signature contained in the petition:

- (1) May only be obtained after the affidavit required pursuant to subsection 1 is filed;
- (2) Must be executed in ink; and
- (3) Must be followed by the address of the person signing the petition and the date on which the person is signing the petition.

(b) A statement indicating the number of signatures of registered voters which were obtained by the committee and which are included in the petition.

(c) An affidavit executed by each person who circulated the petition which states that:

- (1) The person circulated the petition personally;
- (2) At all times during the circulation of the petition, the affidavit filed pursuant to subsection 1 was affixed to the petition;
- (3) Each signature obtained by the person is genuine to the best of his or her knowledge and belief and was obtained in his or her presence; and
- (4) Each person who signed the petition had an opportunity before signing the petition to read the entire text of the petition.

3. A petition filed pursuant to this section may consist of more than one document, but all documents that are included as part of the petition must be assembled into a single instrument for the purpose of filing. Each document that is included as part of the petition must be uniform in size and style and must be numbered.

4. A person shall not misrepresent the intent or content of a petition circulated or filed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

5. The clerk shall issue a receipt following the filing of a petition pursuant to this section. The receipt must indicate the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures which the committee indicates were obtained and which are included in the petition.

6. Within 20 days after a petition is filed pursuant to this section, the clerk shall:

- (a) Prepare a certificate indicating whether the petition is sufficient or insufficient, and if the petition is insufficient, include in the certificate the reasons for the insufficiency of the petition; and
- (b) Transmit a copy of the certificate to the committee by certified mail.

7. A petition must not be certified as insufficient for lack of the required number of valid signatures if, in the absence of other proof of disqualification, any signature on the face thereof does not exactly correspond with the signature appearing on the official register of voters and the identity of the signer can be ascertained from the face of the petition.

8. If a petition is certified as:

(a) Sufficient, the clerk shall promptly present a copy of the certificate to the court, and the court shall summon a grand jury. If there is a grand jury in recess, the court shall recall that grand jury. If there is not a grand jury in recess, a new grand jury must be summoned.

(b) Insufficient, the committee may, within 2 days after receipt of the copy of the certificate, file a request with the court for judicial review of the determination by the clerk that the petition is insufficient. In reviewing the determination of the clerk, the court shall examine the petition and the certificate of the clerk and may, in its discretion, allow the introduction of oral or written testimony. The determination of the clerk may be reversed only upon a showing that the determination is in violation of any constitutional or statutory provision, is arbitrary or capricious, or involves an abuse of discretion. If the court finds that the determination of the clerk was correct, the committee may commence a new proceeding to summon a grand jury pursuant to this section or may proceed as provided in [NRS 6.140](#). If the court finds that the determination of the clerk must be reversed, the court shall summon a grand jury. If there is a grand jury in recess, the court shall recall that grand jury. If there is not a grand jury in recess, a new grand jury must be summoned.

(Added to NRS by [2001, 750](#))



STAFF REPORT

Report To: Charter Review Committee

Meeting Date: April 13, 2016

Agenda Title: For Possible Action: Discussion on any new agenda items and discussion of future meeting dates and possible direction to staff.

Agenda Action: Formal Action/Motion

Proposed Motion

Provide direction to staff regarding future agenda items and/or meeting dates based on the discussion at the meeting.

Summary

If there are no further items for discussion, the committee may decide no additional meetings are necessary.

At the February 29, 2016 meeting the committee selected the following dates for possible future meetings:

Wednesday, May 4 at 10am

Thursday, May 26 at 2pm

Tuesday, June 14 at 5:30pm (Note: the Sierra Room is not available on this date)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)