

20FEB 11:38AM

February 17, 2018

To: The Mayor and The City Council, City of Ely:

From: Brenda Alexander

I and many other people need to know where the offer from PETA regarding help in funding the injection method of euthanasia versus the use of "The Kill Box", stands? This issue is being ignored by you. Why? Didn't you read the newspaper article(s), the letter to the editor, my letter to this council and others? Why can't we get this done? Also, why on earth aren't you sending the animal control officer for certification to use the injection method to be ready when you finally make the right decision? We are only talking about \$200.00 or even if was \$500.00, SO WHAT! I realize we all have our own priorities, but all the money you are spending and are going to spend regarding beautification of the streets of Ely and other expenses on "something" will never hide the dirty secret that goes on at that dog pound. There is no beauty there for the animals that are "put down". And you call it a shelter, but it IS a dog pound and you know it. You only get away with that because there are some people taking these animals out of the pound and sending them to God only knows where so you can say **none** are being subjected to that "box" or are the records not correct as to how many animals are actually dying at that pound? You tell me, us!

Brenda Alexander

20 FEB 10:24 AM

February 15, 2018

Dear Mayor and Councilmembers:

I am writing to voice my concern and opposition regarding several items listed in the agenda for consideration at this council meeting.

Closing the recycling center is not only short sighted but provides terrible optics for potential visitors to Ely and businesses considering moving to the city. If the recycling center, is closed potential visitors may perceive Ely as a city that does not care about wise use of resources. Ely has the potential to be a well-thought of tourist destination providing access to Great Basin National Park, several state parks, and the Schell Creek Range. Tourists researching places to stay and spend money on their next vacation may very well shy away from Ely as their google searches reveal a city that built and then immediately shuttered its recycling center. The perception of this would be terrible and is likely to hurt local businesses in the long run.

Similarly, cutting the city attorney's and city administrator's pay by 25% would be optically terrible and destroy the morale of city employees. Recruitment and retention of critical city positions would be negatively impacted. City administrator and city attorney are positions that require specific skill-sets and education that is not widely available in a county where only 14% of adult residents hold a bachelor's degree (data from U.S. Census Bureau). If those draconian cuts are approved these two positions are likely to go unfilled or filled by persons who are less than qualified in the future.

Speaking of optics and public perception, it seems common sense that the public perception of any councilperson voting to lay off or reduce the pay of city employees without also voting to withhold pay from themselves would be severely negatively impacted. Please keep that in mind. Every councilperson who intends to vote to lay off or reduce the pay of city employees should first support the measure to eliminate their own pay.

Sincerely,

Alexander Jones

Ely Resident

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
37	WESTERN ENVIRONMENTAL T	102091	NV-0038	01/22/2018	529.36	.00	
Total 37:					529.36	.00	
67	BUSINESS CONTINUITY TECHN	408777	CITY OF ELY	02/01/2018	275.00	.00	
67	BUSINESS CONTINUITY TECHN	408777	CITY OF ELY	02/01/2018	275.00	.00	
67	BUSINESS CONTINUITY TECHN	408777	CITY OF ELY	02/01/2018	275.00	.00	
67	BUSINESS CONTINUITY TECHN	408777	CITY OF ELY	02/01/2018	275.00	.00	
Total 67:					1,100.00	.00	
150	AMERICAN FAMILY LIFE ASSU	059105	0Q711	01/25/2018	850.56	.00	
Total 150:					850.56	.00	
225	CANYON CONSTRUCTION CO	PROJECT BILL	ELY AVE - W 15TH ST PROJECT	12/08/2017	70,844.02	.00	
Total 225:					70,844.02	.00	
245	ROGER BROOKS INTERNATIO	13952	ASSESSMENT FOR ELY, NV GR	01/31/2018	2,000.00	.00	
Total 245:					2,000.00	.00	
350	AT&T	01 28 18	77528948380207	01/28/2018	137.09	.00	
350	AT&T	01 2818	77528923455933	01/28/2018	23.70	.00	
350	AT&T	0128 18	77528965005703	01/28/2018	13.49	.00	
350	AT&T	012818	77528967815117	01/28/2018	33.27	.00	
350	AT&T	012818	77528967815117	01/28/2018	33.27	.00	
350	AT&T	012818	77528967815117	01/28/2018	33.27	.00	
350	AT&T	012818	77528967815117	01/28/2018	33.27	.00	
350	AT&T	1 28 2018	77528946023668	01/28/2018	13.49	.00	
350	AT&T	12818	77528961031471	01/28/2018	3.38	.00	
350	AT&T	12818	77528961031471	01/28/2018	3.37	.00	
350	AT&T	12818	77528961031471	01/28/2018	3.37	.00	
350	AT&T	12818	77528961031471	01/28/2018	3.37	.00	
350	AT&T	JAN 28 18	77528966335935	01/28/2018	50.09	.00	
350	AT&T	JAN 28 2018	77528921508851	01/28/2018	106.98	.00	
350	AT&T	JAN2818	77528982259457	01/28/2018	144.55	.00	
Total 350:					635.96	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	32.24	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	9.99	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	76.18	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	73.53	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	61.74	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	5.98	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	54.87	.00	
440	BATH LUMBER	JANUARY 201	15737	01/31/2018	76.99	.00	
Total 440:					391.52	.00	
705	HASLEM, RICKY	2017-TR-431	SUBPOENA	01/31/2018	25.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 705:					25.00	.00	
710	LAROSEE, KENNTH	2.5709.2	REFUND CREDIT	02/05/2018	9.00	.00	
Total 710:					9.00	.00	
715	REYNOLDS, JASON & STACEY	2.1200.5	REFUND CREDIT	02/05/2018	77.51	.00	
Total 715:					77.51	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	11.49	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	55.97	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	230.94	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	216.10	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	270.43	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	83.42	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	68.07	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	8.29	.00	
750	C & B AUTO	JAN 2018	3350	01/31/2018	99.98	.00	
Total 750:					1,044.69	.00	
842	WHITE PINE COUNTY RECORD	020518	LIENS	02/05/2018	175.00	.00	
Total 842:					175.00	.00	
850	CASELLE INC	85775	1368	02/01/2018	346.50	.00	
850	CASELLE INC	85775	1368	02/01/2018	346.50	.00	
850	CASELLE INC	85775	1368	02/01/2018	346.50	.00	
850	CASELLE INC	85775	1368	02/01/2018	346.50	.00	
Total 850:					1,386.00	.00	
960	CHRIS' SERVICE	JAN 2018	1090	01/31/2018	5,079.60	.00	
Total 960:					5,079.60	.00	
965	WOLF, RIFKIN, SHAPIRO, SCHU	404645	RN0056-002	12/31/2017	1,714.20	.00	
Total 965:					1,714.20	.00	
1120	NEVADA DEPT OF PUBLIC SAF	45925	CUSTOMER NO 880164	02/01/2018	235.00	.00	
Total 1120:					235.00	.00	
1480	ENVIRONMENTAL RESOURCE	847252	C385801	11/14/2017	346.51	.00	
Total 1480:					346.51	.00	
1640	FISERV	2023901	47-163750	01/19/2018	10.46	.00	
1640	FISERV	2023901	47-163750	01/19/2018	10.48	.00	
1640	FISERV	2023901	47-163750	01/19/2018	10.48	.00	
1640	FISERV	2023901	47-163750	01/19/2018	10.48	.00	
Total 1640:					41.90	.00	
1930	GUST ELECTRIC INC	13894	MMC	01/09/2018	480.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 1930:					480.00	.00	
2950	MONY	FEB 18	426913	01/27/2018	76.00	.00	
Total 2950:					76.00	.00	
3130	NATIONS MEDICAL	3231	MEDICAL SUPPLIES	02/01/2018	133.35	.00	
3130	NATIONS MEDICAL	3265	MEDICAL SUPPLIES	02/01/2018	10.72	.00	
3130	NATIONS MEDICAL	3265	MEDICAL SUPPLIES	02/01/2018	10.71	.00	
3130	NATIONS MEDICAL	3265	MEDICAL SUPPLIES	02/01/2018	10.71	.00	
3130	NATIONS MEDICAL	3265	MEDICAL SUPPLIES	02/01/2018	10.71	.00	
Total 3130:					176.20	.00	
3220	NEVADA DIV OF WATER RESO	2018	FILING FEE	02/01/2018	120.00	.00	
Total 3220:					120.00	.00	
3330	NEVADA STATE CONTROLLER	JANUARY 201	ADM FEE	01/31/2018	3,375.00	.00	
3330	NEVADA STATE CONTROLLER	JANUARY 201	ADM FEES	01/31/2018	408.00	.00	
Total 3330:					3,783.00	.00	
3570	OFFICE DEPOT	100392619001	26907769	01/23/2018	92.60	.00	
3570	OFFICE DEPOT	100392619001	26907769	01/23/2018	92.59	.00	
3570	OFFICE DEPOT	100392619001	26907769	01/23/2018	92.59	.00	
3570	OFFICE DEPOT	100392619001	26907769	01/23/2018	92.59	.00	
3570	OFFICE DEPOT	100392631001	26907769	01/23/2018	37.58	.00	
Total 3570:					407.95	.00	
3590	O'FLAHERTY PLUMBING & HEA	6537	DESEREST MOTEL/HUNTERS	12/31/2017	830.00	.00	
Total 3590:					830.00	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JAN & FEB 201	715	02/01/2018	830.64	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JAN & FEB 201	715	02/01/2018	525.06	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JAN & FEB 201	715	02/01/2018	504.44	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JAN & FEB 201	715	02/01/2018	481.66	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JAN & FEB 201	715	02/01/2018	480.00	.00	
3930	PUBLIC EMPLOYEES' BENEFIT	JAN & FEB 201	715	02/01/2018	241.66	.00	
Total 3930:					3,063.46	.00	
4900	US BANK	012518	4833490020006506	01/25/2018	24.75	.00	
4900	US BANK	012518	4833490020006506	01/25/2018	24.75	.00	
4900	US BANK	012518	4833490020006506	01/25/2018	24.75	.00	
4900	US BANK	012518	4833490020006506	01/25/2018	24.75	.00	
4900	US BANK	JAN 25 2018	4798 5312 1728 1262	01/25/2018	180.98	.00	
4900	US BANK	JAN 25 2018	4798 5312 1728 1262	01/25/2018	38.80	.00	
4900	US BANK	JAN 25 2018	4798 5312 1728 1262	01/25/2018	38.80	.00	
Total 4900:					357.58	.00	
5020	VALIC	0007357429	DEFERRED COMPENSATION P/	02/07/2018	400.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 5020:					400.00	.00	
5121	WHITE PINE COUNTY SHERIFF	PR END 2/5/18	17-CV-00051-7K	02/05/2018	363.05	.00	
Total 5121:					363.05	.00	
5230	WESTERN NEVADA SUPPLY	27279676	55525	01/25/2018	1,878.35	.00	
5230	WESTERN NEVADA SUPPLY	27307233	55525	01/25/2018	432.15	.00	
5230	WESTERN NEVADA SUPPLY	27307244	55525	02/01/2018	370.77	.00	
5230	WESTERN NEVADA SUPPLY	27313839	55525	02/01/2018	3,390.41	.00	
5230	WESTERN NEVADA SUPPLY	27315450	55525	02/01/2018	204.80	.00	
5230	WESTERN NEVADA SUPPLY	27318790	55525	02/01/2018	470.00	.00	
Total 5230:					6,746.48	.00	
5520	LIBERTY TIRE RECYCLING LLC	1291004	100141	01/13/2018	5,553.48	.00	
Total 5520:					5,553.48	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	44.31	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	44.31	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	19.64	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	42.31	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	5.08	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	22.66	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	22.66	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	22.66	.00	
7430	VERIZON WIRELESS	9799982888	942041460-00001	01/15/2018	22.66	.00	
Total 7430:					246.29	.00	
8720	VFC	1037022	01-ELYNV	01/15/2018	2,334.28	.00	
Total 8720:					2,334.28	.00	
8930	BIO-MED ENGINEERING OF NE	7347	ELY FIRE DEPT	01/18/2018	201.00	.00	
Total 8930:					201.00	.00	
8940	DRUG & ALCOHOL TESTING	0118-182	TESTING	01/16/2018	40.00	.00	
Total 8940:					40.00	.00	
9140	NATIONAL BUSINESS FACTOR	PR END 2/2/18	1389160	02/02/2018	75.00	.00	
Total 9140:					75.00	.00	
9660	MAR/CAL	MC8038-18	SUPPLIES	01/25/2018	68.15	.00	
9660	MAR/CAL	MC8038-18	SUPPLIES	01/25/2018	68.15	.00	
9660	MAR/CAL	MC8038-18	SUPPLIES	01/25/2018	68.15	.00	
9660	MAR/CAL	MC8038-18	SUPPLIES	01/25/2018	68.15	.00	
Total 9660:					272.60	.00	
11240	AT&T U-VERSE	011918	135646666	01/19/2018	21.22	.00	
11240	AT&T U-VERSE	011918	135646666	01/19/2018	21.22	.00	
11240	AT&T U-VERSE	011918	135646666	01/19/2018	21.22	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
11240	AT&T U-VERSE	011918	135848666	01/19/2018	21.22	.00	
Total 11240:					84.88	.00	
11711	CHRISTIANSEN DRILLING, INC	268	CRANE	01/22/2018	300.00	.00	
Total 11711:					300.00	.00	
11801	PRAXAIR DISTRIBUTION	80993221	72639310	01/22/2018	91.84	.00	
Total 11801:					91.84	.00	
11471	RELX INC DBA LEXISNEXIS	3091305569	ACCT 322368XJP	01/31/2018	222.78	.00	
Total 114712:					222.78	.00	
Grand Totals:					112,711.70	.00	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Clerk: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
42	AIRGAS	9951216598	2817069	01/31/2018	15.22	.00	
42	AIRGAS	9951216599	2817069	01/31/2018	199.05	.00	
Total 42:					214.27	.00	
43	NARANJO RAUL	58	SERVICE	01/31/2018	1,653.84	.00	
Total 43:					1,653.84	.00	
350	AT&T	01 28 2018	77528924304973	01/28/2018	50.36	.00	
350	AT&T	01 28 2018	77528924304973	01/28/2018	50.37	.00	
350	AT&T	01 28 2018	77528924304973	01/28/2018	50.37	.00	
350	AT&T	01 28 2018	77528924304973	01/28/2018	50.37	.00	
Total 350:					201.47	.00	
370	AT&T LONG DISTANCE	1168024480	1001-238-0936	02/01/2018	2.43	.00	
370	AT&T LONG DISTANCE	1267601980	1001-237-9326	02/01/2018	2.33	.00	
370	AT&T LONG DISTANCE	1267601980	1001-237-9326	02/01/2018	2.33	.00	
370	AT&T LONG DISTANCE	1267601980	1001-237-9326	02/01/2018	2.33	.00	
370	AT&T LONG DISTANCE	1267601980	1001-237-9326	02/01/2018	2.33	.00	
370	AT&T LONG DISTANCE	1267601999	1001-238-0381	02/01/2018	4.28	.00	
370	AT&T LONG DISTANCE	1267602008	1001-238-0944	02/01/2018	.39	.00	
370	AT&T LONG DISTANCE	2067560725	1001-238-0399	02/01/2018	1.02	.00	
370	AT&T LONG DISTANCE	2167077703	1001-238-0357	02/01/2018	.10	.00	
370	AT&T LONG DISTANCE	2167077712	1001-238-0407	02/01/2018	.10	.00	
Total 370:					17.64	.00	
445	PNEU-DART	227498	5217	02/01/2018	46.80	.00	
Total 445:					46.80	.00	
510	BIG 8 TIRES	4363	REPAIR & MAINTENANCE	01/15/2018	12.00	.00	
Total 510:					12.00	.00	
590	GREATER NEVADA CREDIT UNI	2.9260.2 (2)	REFUND CREDIT	02/13/2018	26.00	.00	
Total 590:					26.00	.00	
615	DIRECTV	33460647389	028159234	02/05/2018	127.53	.00	
Total 615:					127.53	.00	
795	BARNEY, JAMIE	2.3442.3	REFUND CREDIT	02/13/2018	742.82	.00	
Total 795:					742.82	.00	
805	NELSON, DANIEL & NANCY	2.3509.3	REFUND CREDIT	02/13/2018	85.06	.00	
Total 805:					85.06	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
810	CODALE ELECTRIC SUPPLY IN	S6255424.001	SUPPLIES	01/25/2018	1,540.00	.00	
Total 810:					1,540.00	.00	
815	DURAWEAR GOVE & SAFETY	313390	WEB	12/05/2017	1,750.00	.00	
Total 815:					1,750.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	FEB 2018	7th Paid Firefighter	02/13/2018	1,050.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	FEBRUARY 20	Fire Hall Rent	02/13/2018	175.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	FEBRUARY 20	Fire Hall Rent	02/13/2018	175.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	FEBRUARY 20	Fire Hall Rent	02/13/2018	175.00	.00	
1450	ELY VOLUNTEER FIRE DEPART	FEBRUARY 20	Fire Hall Rent	02/13/2018	175.00	.00	
Total 1450:					1,750.00	.00	
1750	GALE OIL	1185	TIRES	02/07/2018	878.00	.00	
1750	GALE OIL	1185	TIRES	02/07/2018	878.00	.00	
1750	GALE OIL	1206	SERVICES	02/09/2018	90.00	.00	
Total 1750:					1,846.00	.00	
3570	OFFICE DEPOT	104313650001	26907769	02/05/2018	119.99	.00	
3570	OFFICE DEPOT	104313650001	26907769	02/05/2018	5.39	.00	
3570	OFFICE DEPOT	104313650001	26907769	02/05/2018	106.98	.00	
Total 3570:					232.36	.00	
3940	PUBLIC EMPLOYEES RETIREM	JANUARY 201	AGENCY 606	02/08/2018	40,930.71	.00	
Total 3940:					40,930.71	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	139.50	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	1,099.80	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	283.05	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	283.05	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	252.48	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	252.48	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	68.50	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	50.62	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	144.65	.00	
4000	REED INC	013118	ACCT # 1-000017	01/31/2018	81.00	.00	
Total 4000:					2,654.93	.00	
4670	SUBURBAN PROPANE	013118	1485-012013	01/31/2018	16.57	.00	
Total 4670:					16.57	.00	
4790	BATTLE BORN MEDIA	E18-0202777	LEGAL AD	02/02/2018	54.00	.00	
Total 4790:					54.00	.00	
5230	WESTERN NEVADA SUPPLY	27307237	55525	02/06/2018	451.54	.00	
5230	WESTERN NEVADA SUPPLY	27326416	55525	02/08/2018	107.55	.00	
Total 5230:					559.09	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
5270	WHEELER MACHINERY CO	JAN 2018	027405	01/31/2018	1,807.98	.00	
5270	WHEELER MACHINERY CO	JAN 2018	027405	01/31/2018	369.04	.00	
5270	WHEELER MACHINERY CO	JAN 2018	027405	01/31/2018	1,096.21	.00	
Total 5270:					3,273.23	.00	
5400	WILLIAM BEE RIRIE HOSPITAL	02052018	AMBULANCE SUPPLIES	02/05/2018	88.74	.00	
Total 5400:					88.74	.00	
5460	XEROX CORPORATION	092135982	712276351	02/01/2018	140.67	.00	
5460	XEROX CORPORATION	092135983	722115813	02/01/2018	105.75	.00	
5460	XEROX CORPORATION	092135983	722115813	02/01/2018	105.76	.00	
5460	XEROX CORPORATION	092135983	722115813	02/01/2018	105.76	.00	
5460	XEROX CORPORATION	092135983	722115813	02/01/2018	105.76	.00	
Total 5460:					563.70	.00	
8700	THOMAS PETROLEUM LLC	1993056	20-0013026	02/02/2018	648.34	.00	
Total 8700:					648.34	.00	
9140	NATIONAL BUSINESS FACTOR	13118	COEFD6024C 4	01/31/2018	15.00	.00	
Total 9140:					15.00	.00	
9810	SWANA	2018	MEMBER ID 71971	02/13/2018	180.00	.00	
Total 9810:					180.00	.00	
11143	LOU'S GLOVES	21282	EWV289	01/11/2018	174.00	.00	
Total 11143:					174.00	.00	
11262	HOLDAWAY, PAUL J	58	SERVICES	02/05/2018	2,100.00	.00	
Total 11262:					2,100.00	.00	
11487	UPPER CASE PRINTING, INK	12866	MONTHLY MAILINGS	02/07/2018	28.72	.00	
11487	UPPER CASE PRINTING, INK	12866	MONTHLY MAILINGS	02/07/2018	28.72	.00	
11487	UPPER CASE PRINTING, INK	12866	MONTHLY MAILINGS	02/07/2018	28.72	.00	
Total 11487:					86.16	.00	
12967	FREEDOM MAILING SERVICES,	32955	ELY POSTCARD BILLS	02/03/2018	481.85	.00	
12967	FREEDOM MAILING SERVICES,	32955	ELY POSTCARD BILLS	02/03/2018	481.85	.00	
12967	FREEDOM MAILING SERVICES,	32955	ELY POSTCARD BILLS	02/03/2018	481.86	.00	
12967	FREEDOM MAILING SERVICES,	33000	ELY POSTCARD BILLS	02/09/2018	26.84	.00	
12967	FREEDOM MAILING SERVICES,	33000	ELY POSTCARD BILLS	02/09/2018	26.84	.00	
12967	FREEDOM MAILING SERVICES,	33000	ELY POSTCARD BILLS	02/09/2018	26.84	.00	
Total 12967:					1,526.08	.00	
14176	SOUTH FORK HARDWARE-ELY	20840	CUST NO 6	01/17/2018	14.86	.00	
Total 14176:					14.86	.00	
14263	DEPT OF BUSINESS & INDUST	2017	QRT REPORTING	02/05/2018	32.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 142631:					32.00	.00	
Grand Totals:					63,163.20	.00	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Clerk: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

ELY CITY COUNCIL REGULAR MEETING AGENDA

PLEASE NOTE: THE COUNCIL MEMBERS MAY ADDRESS AGENDA ITEMS OUT OF SEQUENCE, COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, REMOVE AN ITEM OR DELAY DISCUSSION AT ANY TIME TO ACCOMMODATE PERSONS APPEARING BEFORE THE COUNCIL OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.

February 22, 2018 5:00 p.m. – Ely Volunteer Fire Hall - 499 Mill Street-Ely, Nevada.

1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

2. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** “Section 7.05 of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

4. CITY DEPARTMENT REPORTS

- [FIRE CHIEF](#)
- POLICE CHIEF
- [MUNICIPAL COURT JUDGE](#)
- CITY ADMINISTRATOR
- CITY TREASURER
- CITY ATTORNEY
- CITY WATER/SEWER LEADMAN
- CITY ENGINEER
- CITY BUILDING OFFICIAL

5. REPORTS

CITY COUNCIL
MAYOR

6. THE CITY COUNCIL WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Chairman Peeler – Public Hearing – [Discussion Only](#) – Consideration of a Petition for Vacation or Abandonment of Road or Easement. The desire is to have the street and/or easements on Avenue D between Highway 93 and the East side of 16th Street abandoned. The proposed abandonment is located primarily between APN 002-261-05 and APN 002-042-01 in Ely, Nevada. The applicants are Robert James and Mikki Van Camp d.b.a. *Van Camp Towing & Road Service*.
2. Councilwoman Gardner – City Administrator Switzer – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.
3. Councilman Hanson – Public Hearing – [Discussion Only](#) – Approval of Second Reading of Ordinance 709, Bill No. 2018-02 amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

7. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.

1. Chairman Peeler – [Discussion/For Possible Action](#) – Consideration of a Petition for Vacation or Abandonment of Road or Easement. The desire is to have the street and/or easements on Avenue D between Highway 93 and the East side of 16th Street abandoned. The proposed abandonment is located primarily between APN 002-261-05 and APN 002-042-01 in Ely, Nevada. The applicants are Robert James and Mikki Van Camp d.b.a. *Van Camp Towing & Road Service*.
2. Councilwoman Gardner – City Administrator Switzer – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance No. 708, Bill No. 2018-01, an ordinance amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

3. Councilman Hanson – [Discussion/For Possible Action](#) – Approval of Second Reading of Ordinance 709, Bill No. 2018-02 amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE ELY CITY COUNCIL AS RECOMMENDED BY THE CITY PLANNING COMMISSION.

1. Chairman Peeler – [Discussion/For Possible Action](#) – Approval of Home Occupation permit to Randy Weaver to conduct an internet sales business, d.b.a. *Weaver Machinery* located at 1290 Mill Street, Ely, Nevada.
2. Mayor Van Camp – Caroline McIntosh, Downtown /Public Plaza & Nevada Northern Railway Beautification Steering Committee Member – Discussion/For Possible Action – Approval of Downtown /Public Plaza & Nevada Northern Railway Beautification Teams' Request to utilize a City dump truck and employees for a city-wide clean up; discarded items would be picked up at the curb.

9. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro tem.

MOTION: Move to approve the Consent Agenda items 9A-1 Minutes & 9A-2 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action –Minutes.
 - [January 11, 2018](#)
2. Discussion/For Possible Action –Bills.
 - [February 6, 2018](#)
 - [February 13, 2018](#)

B. NEW BUSINESS

1. Mayor VanCamp – Councilman Carson – [Discussion/For Possible Action](#) – Approval of Compact with Ely Shoshone Tribe for the cultivation, production and manufacture of cannabis products at 16 Shoshone Circle, pending compliance with zoning, building and life safety matters for a period of five (5) years with renewals in five (5) year increments at the rate of 6% of gross sales of cannabis products on the wholesale price.
2. Councilman Carson – City Administrator Switzer – Discussion/For Possible Action – Approval to direct City Administrator to send written Ely Fire/EMS Services proposal to White Pine County with a monthly fee of \$6,000.00, \$72,000.00 annually.

3. Councilman Hanson – Discussion/For Possible Action – Direction to City Administrator to solicit proposals for police services or establish the City of Ely’s own police force.
4. Councilman Hanson – Discussion/For Possible Action – Direction to City Attorney to prepare ordinances decriminalizing selected offenses listed in the City Code.
5. Councilman Hanson – Discussion/For Possible Action – Approval to close the Recycling Center.
6. Councilman Carson – Discussion/For Possible Action – Instruction to City Administrator and City Treasurer to investigate the feasibility and possible cost savings of in-house billing of utilities.
7. Councilman Hanson – Discussion/For Possible Action – Approval to eliminate salaries of Mayor and all City Council Members.
8. Councilman Hanson – [Discussion/For Possible Action](#) – Approval to reduce the pay of City Administrator Robert Switzer by five percent (5%).
9. Councilman Hanson – [Discussion/For Possible Action](#) – Approval to reduce the pay of City Attorney Charles H. Odgers by five percent (5%).
10. Councilman Hanson – [Discussion/For Possible Action](#) – Approval to reduce the pay of City Treasurer Janette Trask by five percent (5%).
11. Councilman Hanson – [Discussion/For Possible Action](#) – Approval to reduce the pay of City Fire Chief Ross Rivera by five percent (5%).
12. Councilman Hanson – [Discussion/For Possible Action](#) – Reduction in Force of the City Treasurer’s position and replace the City Treasurer’s functions with the Accounting Firm of *Keddington and Christiansen, CPA* for full accounting services, at the cost of \$4,000.00 per month, without benefits, costs to be divided equally among all four funds, resulting in a savings to the City of approximately \$26,250.00 per year, of which approximately \$6,562.50 will be realized to the General Fund.
13. Councilman Hanson – Discussion/For Possible Action – In the alternative to reduction in force of the City Treasurer’s position, terminate the accounting agreement with *Hinton Burdick, CPA* at an annual savings of \$36,000 of which approximately \$9,000.00 per year will be realized to the General Fund.
14. Councilman Carson – Councilman DeFelice – [Discussion/For Possible Action](#) – Approval to reduce City Attorney Charles H. Odgers’ salaries and wages by twenty-five percent (25%). Total reduction in base salary would be \$26,906.25.

15. Councilman Carson – Councilman DeFelice – [Discussion/For Possible Action](#) – Approval to reduce City Administrator Robert Switzer’s salaries and wages by twenty-five percent (25%). Total reduction in base salary would be \$20,935.00.


10. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. “Section 7.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

11. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

* Open session – Action/Discussion – Personnel** The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033, (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical or mental health of a person/employee. (2) A public body may close a meeting upon a motion, which specifies the nature of the business to be considered. (3) This chapter does not: (a) Apply to judicial proceedings. (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness. (d) Require that any meeting be closed to the public. (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body. (4) The exception provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <http://www.ascr.usda.gov/complaintfilingcust.html> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov.

For access to the public packet, contact the City Administrator at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda’s hyperlinks or under “Minutes” /”Other” on the City’s website at <http://www.elycity.com/>

I, Jennifer Lee, Deputy City Clerk, did cause to be posted on **February 15, 2018** at 8:00 a.m. five (5) notices of the Ely City Council Agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street, the U.S. Post Office located at 2600 Bristlecone Avenue and the White Pine County Sheriff’s Office located at 1785 Great Basin Boulevard. The meeting notice is also posted on the City of Ely’s website at <http://www.elycity.com> and the State of Nevada Public Notices website at <http://notice.nv.gov>.

 _____

PLEASE PRINT YOUR NAME

Please print your FIRST & LAST name clearly for the
Ely City Council attendance list. 2-22-18

Linda Darr

Dennis Frederick

Pat Robinson

Pat Robinson

Cheryl Noriega

Carol McKenney

Blaine Edna

Connie Rogers

Jasmit Stefwaywod

Natasha Leung

April Roth

Mike Peterson

WAME SAWTICH

Bill Wolf

Jim Alworth

Renny Alworth

Brett North

Sam Bullis

Maria Cressake

George Chachas

Tom Chachas

Burton Hilford

Kay Mcmurray

Keith Gendall

Jennifer Rivers

Pat STORK

Mike Coster

Jed Peeler

Ernie Rivera Jr

Frederick Parley

Nichole Baldwin

Diana Buckner

Trent Griffith

20FEB 11:38AM

February 17, 2018

To: The Mayor and The City Council, City of Ely:

From: Brenda Alexander

I and many other people need to know where the offer from PETA regarding help in funding the injection method of euthanasia versus the use of "The Kill Box", stands? This issue is being ignored by you. Why? Didn't you read the newspaper article(s), the letter to the editor, my letter to this council and others? Why can't we get this done? Also, why on earth aren't you sending the animal control officer for certification to use the injection method to be ready when you finally make the right decision? We are only talking about \$200.00 or even if was \$500.00, SO WHAT! I realize we all have our own priorities, but all the money you are spending and are going to spend regarding beautification of the streets of Ely and other expenses on "something" will never hide the dirty secret that goes on at that dog pound. There is no beauty there for the animals that are "put down". And you call it a shelter, but it IS a dog pound and you know it. You only get away with that because there are some people taking these animals out of the pound and sending them to God only knows where so you can say **none** are being subjected to that "box" or are the records not correct as to how many animals are actually dying at that pound? You tell me, us!

Brenda Alexander

20FEB 10:24AM

February 15, 2018

Dear Mayor and Councilmembers:

I am writing to voice my concern and opposition regarding several items listed in the agenda for consideration at this council meeting.

Closing the recycling center is not only short sighted but provides terrible optics for potential visitors to Ely and businesses considering moving to the city. If the recycling center, is closed potential visitors may perceive Ely as a city that does not care about wise use of resources. Ely has the potential to be a well-thought of tourist destination providing access to Great Basin National Park, several state parks, and the Schell Creek Range. Tourists researching places to stay and spend money on their next vacation may very well shy away from Ely as their google searches reveal a city that built and then immediately shuttered its recycling center. The perception of this would be terrible and is likely to hurt local businesses in the long run.

Similarly, cutting the city attorney's and city administrator's pay by 25% would be optically terrible and destroy the morale of city employees. Recruitment and retention of critical city positions would be negatively impacted. City administrator and city attorney are positions that require specific skill-sets and education that is not widely available in a county where only 14% of adult residents hold a bachelor's degree (data from U.S. Census Bureau). If those draconian cuts are approved these two positions are likely to go unfilled or filled by persons who are less than qualified in the future.

Speaking of optics and public perception, it seems common sense that the public perception of any councilperson voting to lay off or reduce the pay of city employees without also voting to withhold pay from themselves would be severely negatively impacted. Please keep that in mind. Every councilperson who intends to vote to lay off or reduce the pay of city employees should first support the measure to eliminate their own pay.

Sincerely,

Alexander Jones

Ely Resident

READ AT FIRST PUBLIC COMMENT PERIOD

February 22, 2018

Mayor, City Council Members, I would like to have the following read into the February 22, 2018 City Council Meeting during public comments.

It is time to stop playing games and get down to business on trying to salvage the General Fund. On February 13th Councilmen Carson & DeFelice served notices to Robert Switzer & Charles Odgers that they were proposing to recommend a 25% pay cut for each of them. These letters were served to them at 3:45pm & at 3:50 pm. Within a few minutes the Mayor, Councilwoman Gardner, Robert Switzer and Charles met in Roberts Office and they were talking so loud they could be heard at the front desk. They were very upset that letters were served on Robert & Charles and they were yelling about what to do. One comment that was heard at the front desk by the citizen that contacted me was they were going to have to make sure Councilman Flangas was on their side. The same night after City Hall closed I was told by 3 different citizens that the Mayor, Councilwoman Gardner, Councilman Hanson, City Attorney Odgers & Muni Judge Costner were all meeting at City Hall. Which is against a newly passed City Ordinance. The next morning Robert Switzer, Fire Chief Rivera & City Treasurer Trask were served Letters that an open meeting on this would be on the agenda for the City Council Meeting. All three letters talked about a proposed 5% pay cut for them but Janette's and Ross's also had language about discussing their character, misconduct mental health which could lead to further administrative action could be taken against them. Why didn't Roberts & Charles have the same wording? This is nothing but pure retaliation. The letters were written By Councilman Hanson and Dated February 13th. It is very obvious these letters were written after they all had their meeting, otherwise they would have been served that same day. The proof of delivery by Councilwoman Gardner showed that Robert, Janette & Ross were all served at 9:45am the next day. Kind of strange she shows all the letters being served to all of them at the same time when they all in different places. I would like to know if she was so eager to serve at least 2 of these letters she got confused on the times.

This kind of petty actions by the Mayor, Councilman Hanson & Councilwoman Gardner being duly elected City Officials can not and will not be tolerated. They need to be looking where the excess expenditures are at and make the necessary cuts and not play these games. I'm sure Janette & Ross would take the 5% cut if required but cutting 5% would be a savings to the General Fund for Janette of \$808.06 and Ross it would be \$4,999.31 for a savings of \$5,808.37 to the General Fund. Cutting Robert 5% would be a savings to the General Fund \$1,355.02 and cutting Charles 5% would be a savings to the General of \$1,741.51 for a total savings of \$3,096.53. This would be a total savings of \$8,904.89 to the General Fund by all 4 of them.

If you cut Robert and Charles 25% as proposed by Councilmen Carson & DeFelice it would be a savings of \$18,018.52 to the General Fund. Robert makes \$121,495.47 per year with benefits and 25% of that equals \$30,373.87 reduction in pay and he would still be making \$91,121.60 per year. Charles makes \$166,798.76 with benefits and 25% of that equals \$41,699.69 Charles would still be making \$125,099.07 per year after the 25% cut in pay.

This would be the responsible way to go and if you cut Ross & Janette 5% along with the 25% for Robert & Charles it would be a savings to the General Fund in the amount of \$23,826.89 versus the \$8,904.89.

Cutting the Administrators position all together and having the Deputy City Clerk and City Treasurer manage it until the General Fund rebounds will save an additional \$22,780.40 and cutting the Attorney to part time with no benefits would save the City an additional \$45,099.07 with paying a part time Attorney \$80,000 a year you would save the General Fund an additional \$11,274.77. Doing all of this would make a total savings of \$57,882.06 for the General Fund.

Rick Stork

Comments to the Ely City Council, 2/22/18

It was only a couple months ago that elected officials at the table before us told us that the concerns about the budget were overblown. Now we are looking at a budget crisis. I give our elected officials credit for being willing to step up and take cuts to their compensation before going to the rank and file employees. The broader question isn't how to deal with the problem, though certainly a critical question. The broader question is how did the budget, despite warnings, get to this point. I believe it's because this council has followed the example of the last two or three councils by becoming too involved in the day-to-day operations of the departments. Councilman A tells a department to spend a thousand on this, Councilman B tells a department to spend a thousand on that. That adds up pretty quickly though no one councilman sees themselves as being a spendthrift. By being that deeply involved in daily operations, no one individual can be held responsible. By dictating daily operations, you put the city manager in the position of having to say no repeatedly to individual city councilmen. No doubt he understands that saying no quickly puts him on my side of the lectern.

If you are closely involved in day-to-day decisions, how can you ask the city manager what went wrong? I've heard no explanation as to why we are at this point with the budget. I'm certain the cost of snow removal didn't get us here. Nobody is saying the city manager is at fault for this even though it is his responsibility.

I believe the majority of the community understands the council is ultimately responsible for the successful functioning of city government. I also believe this council has usurped the city managers' authority to meet his responsibility and that is one reason we are here today.

We expect you to solve this problem but I ask you to look at how you and other councilmen might be contributing to it. The best long term solutions come from understanding the underlying problem.

Bill Wolf

Kerri Pintar
1417 Mill Street

Madame Mayor,

As to the monetary items being discussed on tonight's agenda...

- The city cannot afford to establish it's own police force. Period!
- If we are going to decriminalize selected offenses in the city code, what purpose is our municipal court judge and his staff going to serve. Certainly, we can save money by contracting judicial services Ely Justice Court.
- The recycling center was never going to be profitable. This was an ill conceived idea from a previous sitting council (like the scales), again, contributing to the current financial mess you find yourselves in. Close it!
- Your worries were continually expressed about alienating people from running for office by changing the meeting day/time and yet now a proposal to eliminate the salaries for yourself and council members? This will only surely make it more difficult to find people who want to serve on future councils in the event the city isn't in receivership of Taxation or brought to an end due to disincorporation.
- Mr. Switzer's position is unnecessary. When a prior council elected to fire Jim Alworth is was a BIG mistake...you traded a knowledgable, dedicated, fiscally minded city clerk who gave unpopular advice but ALWAYS worked to keep the city in the positive, and for what? A new inexperienced city clerk and a highly overpaid City Administrator. In the absence of ridding the city of it's pointless administrator, his salary absolutely needs to be cut by 25%.
- As to the city attorney's salary, this was a part-time position someone decided was best served by a full-time attorney. If you are going to continue to allow him to sit BEFORE you, not WITH you, then absolutely you should continue to overpay him for his services, and perhaps even give him a raise, because public perception Madame Mayor is he is the one running the city, certainly not you or the city council.
- Next, are we picking and choosing whose salary to cut by 5%? Ms. Trask and Mr. Rivera are vocal at these meetings and it appears this is retaliatory in nature to cut these two employees salaries when no other department heads or employees were singled out. Why? Ms. Trask is the ONLY person you employ who is trying to correct the financial mess created by firing Mr. Alworth.
- And not to leave the white elephant out, what about engineering services; another position/mess created from part-time position to a include a generous retainer and out of sight overages on monthly billings. Why isn't the city engineer being asked to give up 25%?

I hope you will apply sound financial reasoning tonight to these items before you. Please do the job YOU were elected to do, not what the city attorney TELLS you to do.

February 22, 2018

Mayor and Council Members,

Regarding the agenda items dealing with agreements, I would hope you don't act on any of them until you have the final copy in hand. Gentlemen agreements in the past have proven to bite you folks in the butt. Pete Seegar quoted, "Education is what you get by reading the fine print, experience is what you get if you don't read it." Words of wisdom, take heed!

Cutting the wages of the Council, you can't do it per NRS 266.450. Nice thought, but one can refuse to take the pay. How many of you people have insurance through the City?

City Police Department idea, better first check with Pool Pact on how much the insurance coverage will cost for law enforcement. Do your homework first. You already have outstanding law enforcement through the County. You plain got out negotiated and your Attorney failed you by not putting a "No out" clause in the agreement.

Shut down the recycling center? Sam what are you basing this on? Is it to make the public happy that you brought it up or is it based on actual revenue verses expenses? Once again you need to make sound business decisions! Think before you speak Sam, because your nose continues to grow.

The most distributing agenda item is part of the fallout from your secret after hours meeting Feb. 13, 2018, is to eliminate the City Treasurers position. That has to rank towards the top of "STUPID" things you have come up with. After 5 years of total mismanagement of the finances of the City, you finally hire an individual that has held the position in the past and during her 6 months notified all of you about the financial condition, she inquired with your auditor about their findings and they told you the same thing she reported. So you don't like the facts, so get rid of her. Now that is retaliation, plain and simple. I would think your Attorney would have advised you better on this item. Ambrose Bierce's definition of a lawyer is "One skilled in the circumvention of the law."

Reduce the Attorney and Administrator wages by 25% best idea on the whole agenda, congrats to Councilmembers Carson and DeFelice for trying. What have the rest of you come up with, oh yea, get rid of the City Treasurer!

A handwritten signature in cursive script, reading "Jim Alworth". The signature is written in dark ink on a light-colored background.

READ AT PUBLIC COMMENT DURING PUBLIC HEARING ON #6 ITEM 2 (changing voting)

I think In the best Interest of the voters this ordinance needs to be re-written to have these changes made after the next City Elections as you would only be extending the affected positions 3 months with the voters knowing ahead of time than extending the Mayors and Councilwoman Gardner's position 1 year 3 months without any say from the voters. If this passes you're not going to save any money on the election as you will be paying the cost of a recall as we don't want nor can we afford to extend their time in office.

Rick Stork

22FEB 3:18

R

APR 13 2018 9:12 AM
READ AT THE END OF THE MEETING 2nd PUBLIC COMMENT PERIOD


You need to look at cutting the Muni Judges position along with all of his associated costs for the 2018 - 2019 budget as his Department is slated to lose \$41,364 for the budget period. He is requesting a total budget of \$122,177.00 with an estimated revenue of \$80,813.00. This means it is going to put the General Fund in the RED \$41,364.00. We can't afford this. I am sure the City can get the Justice of the Peace Judge to hear all City cases and collect the fines and be able to contract him for less than \$80,000 which would be a savings to the General Fund and not a loss.

The City Council and the Utility Board needs to have the City Attorney and Paul Holdaway Investigated for ethical misconduct for not disclosing that Paul is using his trucking company Outwest to do private work for Charles Odgers. Paul also needs to be investigated for not disclosing that he owned Outwest Trucking when bid on the metal pile at the landfill.

The City Attorney also needs to be investigated for writing the contract between Outwest and the City on the metal pile especially when it was written in favor of Outwest and there're not being an out clause in the contract. The City needs to have their Pool PAC Attorney look at all of this and see if the contract is legal.

Rick Stork

INTEROFFICE MEMORANDUM

TO: MAYOR VAN CAMP
FROM: CHARLES H. ODGERS, CITY ATTORNEY 
SUBJECT: LEGAL ANALYSIS OF REDUCTION IN PAY OF CITY OFFICERS
DATE: FEBRUARY 20, 2018

Pursuant to your direction, I am providing a version of the legal analysis affecting City Officer's wages that may be used at the public meeting on February 22, 2018.

Legal Analysis:

NRS 281.005 (1) defines a Public Officer as follows:

"Public officer" means a person elected or appointed to a position which:

(a) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and

(b) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

NRS 266.405 (1)¹ creates the offices of City Clerk, City Treasurer, Municipal Court Judge and City Attorney, whether appointed or elected. The statute also allows for the consolidation of the City Clerk and the City Treasurer into a single office when done so by ordinance.

City Code 1-6-1 (A) creates the following offices pursuant to NRS 266.405 and designated these offices as appointed officers of the City:

¹ NRS 266.405 Election or appointment of certain city officers; consolidation of offices of city clerk and city treasurer.

1. In addition to the mayor and city council, there must be in each city of population category one or two a city clerk, a city treasurer, or if those offices are combined pursuant to subsection 4, a city clerk and treasurer, a municipal judge and a city attorney. The offices of city clerk, city treasurer, municipal judge and city attorney may be either elective or appointive offices, as provided by city ordinance. [...]

Designated: The appointed officers of the City shall be City Clerk,² City Treasurer,³ Municipal Judge,⁴ City Attorney,⁵ City Administrator,⁶ and Public Works Director⁷. Pursuant to Nevada Revised Statutes section 266.405, the offices of City Clerk and City Treasurer may, at the discretion of the City Council, be combined into the Office of City Clerk/Treasurer.⁸

In addition, City Code 1-6-1 (C) also provides:

Term Of Office; Removal: The term of office and/or removal of all appointed officials of the City shall be accomplished in the manner set forth in Nevada Revised Statutes section 266.415.

NRS 266.415 provides:

Except as otherwise provided by specific law or ordinance, all appointed officers serve at the pleasure of the mayor and city council and may be removed by a majority vote of the city council. The mayor may exercise the right of veto as provided in NRS 266.200.⁹

² NRS 266.405 creates the office while NRS 266.480 provides the duties

³ NRS 266.405 creates the office while NRS 266.500 to 266.525 inclusive, provide for the duties

⁴ NRS 266.405 creates the office while NRS 266.550 to 266.595 inclusive, provide for the duties

⁵ NRS 266.405 creates the office while NRS 266.464 to 266.475 inclusive, provide for the duties

⁶ City Code 1-6-1 creates the office, City Code 1-6D-1 to 1-6D-8 provide for the duties and qualifications

⁷ City Code 1-6-1 creates the office, City Code 1-6E-1 to 1-6E-7 provide for the duties and qualifications

⁸ NRS 266.405 (4) provides "[t]he city council may provide by ordinance for the office of city clerk and the office of city treasurer to be combined into the office of city clerk and treasurer." City Code 1-6I-1 to 1-6I-7 creates the combined office of the City Clerk/City Treasurer and provides for the duties and qualifications

⁹ NRS 266.200 Mayor is presiding officer of city council; vote; veto; approval of contracts, resolutions and ordinances.

1. The mayor:

[...]

2. The mayor may exercise the right of veto upon all matters passed by the city council. To pass any matter receiving the mayor's veto requires a five-sevenths vote of a city council composed of seven members, a four-fifths vote of a city council composed of five members, and a unanimous vote of a city council composed of three members.

3. No resolution or contract requiring the payment of money nor any ordinance may go into force or have any effect until approved in writing by the mayor, unless passed over the mayor's veto. If the mayor

Further, NRS 266.450 provides in pertinent part that "[a]ll appointed officers are entitled to receive such compensation as may be fixed by ordinance."

City Code sets minimum and maximum wages for each officer of the City. Resolution No. 2007-14, promulgated on July 12, 2007 and codified in this section provides "[t]hese salary ranges may be evaluated and changed from time to time by resolution, but the compensation of any such officers shall not be increased or diminished to take effect during the time for which the officer was appointed." (Res. 2007-14, 7-12-2007).

If NRS 266.450 is read consistent with Resolution 2007-14 and the term of appointment begins following the seating of each newly elected City Council, then the current council cannot change the compensation and benefits or other working conditions of appointed officers during the term of the current appointment.

There may be some who question whether the appointed Officers are subject to the terms of the Personnel Policy Manual adopted in August, 2013. No, because Officers are not employees in the traditional sense of the word. Case law and Nevada Revised Statutes support this determination.

The City Council in adopting the 2013 Personnel Policy Manual made clear that the Personnel Policy Manual was not intended to confer a property right to any City Employee. Section 1.3 states in pertinent part:

The City of Ely reserves the right to change these personnel policies at any time. Nothing contained in these policies is intended to confer any property right in continued employment or imply a contract of employment.

Thereafter, in City Code 1-6-4: Personnel Policy provides the following:

A. Adopted: The Personnel Policy Manual of the City, entitled "City of Ely Personnel Policy Manual", and dated October 1999, is hereby adopted as the Personnel Policy Manual of the City. Said City Personnel Policy Manual is annexed to the ordinance codified herein and on file in the Office of the City Clerk as Exhibit A, and made a part hereof by this reference.

does not approve the resolution, contract or ordinance so submitted, the mayor shall, within 5 days after the receipt thereof, return it to the city clerk with his or her reasons in writing for not approving it. If the mayor does not so return it, the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the mayor.

B. Modification Of Manual: The Personnel Policy Manual may be amended or rescinded by resolution of the City Council.

C. Applicability: The Personnel Policy Manual shall apply to all officers and employees except elected officials.

D. Effect: The Personnel Policy Manual, along with all ordinances relating to employees of the City, shall govern procedure for hiring, considering raises, promotions, and discipline such as suspension, discharge and related matters to the extent it does not conflict with contrary provisions of any collective bargaining agreement. (Ord. 538, 1-13-2000)

These provisions appear to conflict with the statutes. For example, in order to remove an officer, it requires the City Council's vote, subject to the Mayor's veto. However, Section 10, Disciplinary Action and Appeal conflicts with NRS 266.415 allowing the City Council to hold a public personnel session and terminate the officer from the position by a majority vote of the City Council. If the entirety of the Personnel Manual applied to appointed officers, it would appear the appointed officer would be allowed an opportunity to appeal the decision of the City Council.

The 2007-14 Resolution providing that wages of appointed officials shall not increase or decrease during the appointment, and the Personnel Manual which allows for increases and decreases in wages of employees do not appear to be reconcilable. The plain language of City Code 1-6-4 (c) appears to conflict with the provisions of law, and appear to conflict with the plain language of the Personnel Policy Manual itself.

If read consistent with Resolution 2007-14 the officer's appointment begins following the seating of each newly elected City Council. Meaning that when the new City Council takes no action to remove the officer or change the terms and conditions of employment contemporaneously with their election and seating, they can take no action to effect the employment terms and conditions of the officers until the next City Council election, except to remove the officer from his office pursuant to NRS 266.415.

The Nevada Supreme Court has long recognized the distinction between an "officer" and an "employee." *Compare Eads v. City of Boulder City*, 94 Nev. 735, 736-37, 587 P.2d 39, 40-41 (1978) (holding that a position created and defined by law, which invested the person holding it with a "portion of the sovereign functions of government," was an office), *with Mullen v. Clark Cnty.*, 89 Nev. 308, 310-11, 511 P.2d 1036, 1037-38 (1973) (concluding that an individual was an employee and not an officer when his duties were defined by his superiors, "no tenure attached to his position," he could not hire or fire other employees, and "he was wholly subordinate and responsible to his superiors.")

In *St. Ex Rel. Mathews v. Murray*, 70 Nev. 116, 258 P.2d 982 (1953), the court held "[A] public office is distinguishable from other forms of employment in that its holder

has by the sovereign been invested with some portion of the sovereign functions of government.” Id. at 120-121. Sovereign function of a municipal government are “not delegated to a mere employee.” Eads at 94 Nev. 736-37, 587 P.2d 40-41 (1978).

Each City officer has a corresponding City Code regarding the position establishing the term of office.

The City Administrator is a public officer of the City of Ely. City Code 1-6D-5 provides that the City Administrator is the Chief Administrative Officer of the City. City Code 1-6D-5 outlines the terms of office and states:

1-6D-4: TERM; REMOVAL:

The term of office continues until the next city election following the appointment and until a successor is appointed and qualified, unless sooner removed by the mayor with the concurrence of a majority of members of the city council, unless the term is ended by removal from office as provided in Nevada Revised Statutes 266.415 and in event of a mayoral veto, as provided in Nevada Revised Statutes 266.200. (Ord. 662, 11-14-2013)

The City Treasurer is a public officer of the City of Ely. The City Treasurer’s job description is found at City Code 1-6B. The term of that appointment is found at 1-6B-4 and states:

1-6B-4: TERM; REMOVAL:

The term of office continues until the next city election following the appointment and until a successor is appointed and qualified, unless sooner removed by the mayor with the concurrence of a majority of members of the city council, unless the term is ended by removal from office as provided in Nevada Revised Statutes 266.415 and in event of a mayoral veto, as provided in Nevada Revised Statutes 266.200. (Ord. 662, 11-14-2013)

The City Attorney is a public officer of the City of Ely. The City Attorney job description is found at City Code 1-6C. The term of that appointment is found at 1-6C-4 and states:

1-6C-4: TERM; REMOVAL:

The term of office continues until the next city election following the appointment and until a successor is appointed and qualified, unless sooner removed by the mayor with the concurrence of a majority of members of the city council, unless the term is ended by removal from office as provided

in Nevada Revised Statutes 266.415 and in event of a mayoral veto, as provided in Nevada Revised Statutes 266.200. (Ord. 662, 11-14-2013)

The language of each of these ordinances makes clear that the term of office extends from election to election. Based upon that term of office, the 2007-14 Resolution codified in 1-6-1 E, there is legal reasons to believe the action contemplated in these agendas violates City Code.

In Eads, the City of Boulder City created the office of the Director of Public Works, by City Charter. The City Manager, who was identified as the Chief Executive Officer, terminated Mr. Eads. Mr. Eads applied to the civil service commission to appeal the termination. The Nevada Supreme Court held that since the office of the Director of Public Works was created by the Charter, contained no term of office, or limited the termination to for cause, the termination of Mr. Eads was not subject to the civil service rules. Eads v. City of Boulder City, 94 Nev. 735, 736-37, 587 P.2d 39, 40-41 (1978). In its analysis, the Supreme Court also noted that:

Absent a specified term of office, the incumbent may be removed at will by the appointing authority. Leeper v. Jamison, 32 Nev. 327, 108 P. 1 (1910). Indeed, Nev. Const. art. 15, § 11, so provides. It states: The tenure of any office not herein provided for may be declared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment, In the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control.

Id.

If the Charter of a city govern what it can do pertaining to a public officer, then the City Ordinances which govern what the city can do pertaining to a public officer also govern what any City Council can do. It is likely that a Court will interpret the statute as written.

In Nevada, "words in a statute should be given their plain meaning unless this violates the spirit of the act." McKay v. Bd. of Supervisors, 102 Nev. 644, 648, 730 P.2d 438, 441 (1986). "Where a statute is clear on its face, a court may not go beyond the language of the statute in determining the [L]egislature's intent." Id. A statute must be construed as to "give meaning to all of [its] parts and language, and this court will read each sentence, phrase, and word to render it meaningful within the context of the purpose of the legislation." Harris Assocs. v. Clark County Sch. Dist., 119 Nev. 638, 641-42, 81 P.3d 532, 534 (2003) (quoting Coast Hotels v. State, Labor Comm'n, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001)). Further, a statute should not be read in a manner that renders a part of a statute meaningless or produces an absurd or unreasonable result. *Id.*

Further, in light of the fact that the City Council has adopted various Ordinances governing how public officers of the City are to be designated and the terms of office for each public officer, it stands to reason that the majority of provisions of the 2013 Personnel Policy Manual, are not applicable to the officers.

While the City Council adopted the 2013 Personnel Policy Manual, any provision affecting only “employees” would be inapplicable to any public officer unless the intent was to include the public officer in that provision. Intent can be found in the language provided in that section.

For example, Personnel Policy 5.6: Rates of Pay provides the following guidance on the City’s compensation plan for employees:

5.6.1 Compensation Plan

Each regular position will be assigned to a class and pay grade in the compensation plan. Assignment to a pay grade will be based on the relative level and complexity of the duties, responsibilities, and authority of the job. The City of Ely shall determine the salary ranges based on these considerations:

- a. Rates paid by the City of Ely for comparable work;
- b. Internal relationships of **other job classes in the same or similar occupation**;
- c. Rates paid by other employers for comparable work;
- d. Other financial commitments of the City of Ely; and
- e. Funds available to the City of Ely for salaries.

The City of Ely may adjust the minimum and maximum for each salary range periodically as changes in any of the factors listed above occur or to recruit and retain qualified **employees** for each job. (emphasis added).

Moreover, Personnel Policy Code 5.6.4 also allows for a 5% increase in wages upon promotion from one classification into a higher classification of employees.

In section 9.2.1 (Layoff), the City Council adopted provisions that allowed the Council to reduce wages of employees or reduce employees to part time work schedules. Section 9.2.1 states:

Whenever a layoff is anticipated, the City of Ely will notify **employees** whose jobs may be affected by the situation and explain all available options

to them. The City of Ely will make reasonable efforts to integrate affected **employees** into other available positions. The City of Ely may also utilize options in lieu of layoffs where feasible such as part-time work schedules, reduction in work hours, job sharing, or reductions in class or pay. (emphasis added).

Based upon the analysis provided above, “Public Officers” are not “employees” for purposes of certain provisions of the Personnel Policy Manual unless specifically included. (e.g. 2.12 Code of Ethical Standards, “The elected and appointed officers and employees of City of Ely recognize that holding public office and/or employment is a public trust”).

For those reasons, I believe there is a strong legal argument not to apply the Personnel Policy Manual to the classification of public officers as part of the City Council’s agendized items.

Can the City Council, which is the legislative body of the City, reduce the wages based upon that legislative function?

There are three co-equal branches of government. The executive branch is led by the Mayor.¹⁰ The powers and the duties of the Mayor are found in City Code 1-5-1,¹¹ as well as, NRS 266.165¹² to NRS 266.200, inclusive, with specific duties identified in NRS 266.190.¹³

¹⁰ **1-5-2: MAYOR:** “A. Chief Executive Officer: The mayor shall be the chief executive officer of the city and shall preside over the council when in session and shall have all the powers and duties of an officer presiding over a deliberative body.”

¹¹ B. Duties: “The mayor shall be recognized as the head of the city government and shall perform all the duties outlined in chapter 266 of the Nevada Revised Statutes. In addition thereto, the mayor shall: [...] (Ord. 539, 12-21-1999)”

¹² **NRS 266.165 Chief executive is mayor.** The chief executive of a city shall be the mayor.

¹³ **NRS 266.190 General duties.**

1. The mayor shall exercise a careful supervision over the general affairs of the city.
2. In exercising the duty of supervision pursuant to subsection 1, the mayor shall:
 - (a) From time to time, give the city council information in writing relative to the state of the city, and recommend such measures as the mayor may deem beneficial to the city.
 - (b) See that all the general laws and ordinances of the city are observed and enforced.
 - (c) Take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances, for which purpose the mayor may, if the city is not participating in a metropolitan police department, appoint extra police officers temporarily and use

The City Council is the legislative branch of City government.¹⁴ Its powers are found in City Code 1-5-4 B and C¹⁵, and are based upon the powers conferred in NRS 266.215 to 266.335, inclusive and Chapter 268.

The third branch is the Municipal Court. No analysis will be provided pertaining to the Municipal Court, as it is not an issue currently before the City Council to consider.

City Code 1-5-6 (B) and (C)¹⁶ delineate to the Mayor those Departments which constitute the Executive Branch of the City. The City Administrator reports directly to the Mayor.¹⁷ The City Treasurer is the chief financial officer¹⁸ of the City and as such is part

and command the police force. If the city is participating in a metropolitan police department, the mayor may request law enforcement assistance from the sheriff. In either case, if local law enforcement forces are inadequate, the mayor shall call upon the Governor for military aid in the manner provided by law.

(d) Sign all licenses and warrants and claims against the city.

(e) See that all contracts are fully kept and faithfully performed, and, to that end and in any such case where necessary or proper to protect the interests of the city, shall cause legal proceedings to be instituted or defended at the expense of the city.

(f) Perform such other duties as the city council shall prescribe by ordinance.

¹⁴ City Code 1-5-4 (A) "Legislative Body: The city council shall constitute the legislative body of the city."

¹⁵ "B. Powers: The council shall have the power to make and pass all ordinances, resolutions and orders, not repugnant to the constitutions of the United States or of the state of Nevada or to the provisions of chapter 266 Nevada Revised Statutes, necessary for good municipal government and the management of the city affairs, for the execution of all powers vested in the city.

C. Additional Powers: The city council shall further possess all powers expressly set forth in chapters 266 and 268 of the Nevada Revised Statutes pertaining to city council authority. (Ord. 539, 12-21-1999)"

¹⁶ B. Department Heads: The mayor shall be responsible for the administration department. [...] (Prior Code § 2-27A)

C. "Scope And Jurisdiction: The scope and jurisdiction of such departments shall be the following:

1. Administration Department: The administration department shall include the city clerk's office, city court and parking meters."

¹⁷ City Code 1-6D-5. "The city administrator shall be the chief administrative officer of the city government; shall be directly responsible to the mayor and city council generally for proper administration of all affairs of the city, subject to the provisions of chapter 266 of the Nevada Revised Statutes."

¹⁸ **1-6B-2: PURPOSE:**

of the Executive Branch as well.¹⁹ The City Attorney falls within the Executive Branch as well.²⁰

The doctrine of ratification by conduct operates to make the contract legally valid rather than simply preventing a party from challenging the contract's validity. In addition, it is based on a theory of mutual assent, which does not require the showing of detrimental reliance by the affected party. "Generally, contract ratification is the adoption of a previously formed contract, notwithstanding a quality that rendered it relatively void and by the very act of ratification the party affirming becomes bound by it and entitled to all proper benefits from it." Schagun v. Scott Mfg. Co., 162 F. 209, 219 (8th Cir. 1908).

The prior City Council's actions regarding pay and benefits for the City Officers were all done in public meetings and approved by the sitting City Council. The new Council ratified those actions by not taking action contemporaneously with being seated as a new Council to affect the wages and benefits of the Officers.

"The city treasurer acts as chief financial officer preparing financial statements and records, developing procedures for financial control, and performing other duties as assigned." (Ord. 539, 12-21-1999)

¹⁹ 1-6B-5: DUTIES:

"The following is used as a partial description and is not restrictive to duties required:

[...]

K. Advises the mayor, city council, and city clerk of current and future city financial status. (Ord. 539, 12-21-1999)"

²⁰ 1-6C-5: LEGAL DEPARTMENT:

"The city attorney shall be the head of the legal department of the city and shall answer directly to the mayor and city council. The city legal department shall be an **administrative department of the city**, and shall consist of the city attorney and a legal assistant, who shall be hired and supervised by the city attorney. The number of employees of the legal department shall be fixed from time to time by resolution of the city council. (Ord. 539, 12-21-1999)" (emphasis added)



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

Date: February 22, 2018

To: Mayor VanCamp
Council Members

From: Janette Trask, City Treasurer 

RE: Treasurer's Report

The work on the budget for fiscal year 2019 has been slow. I have had a chance to calculate another yearend estimate for fiscal year 2018. The estimate for revenues is look slightly better than the last estimate by approximately \$60,000. Unfortunately, the estimate on expenditures is still higher than the revenue by approximately \$104,000.

I looked back to the minutes of July 13, 2017, agenda item B-20 that addressed a memo that I had sent to all the Council Members and Administration. In the minutes, I, along with MaKay Hall, Hinton Burdick, discussed with the Council the need to address the short fall of revenues and the over expenditures of expenses. It was also discussed that the Council and Administration would start looking at ways to cut expense at that time. At the end of the discussion it was motioned and carried that the City Treasurer would be included in all financial matters. (See attached minutes from July 13, 2017.) Unfortunately, it has been just the last month or so that these issues have been looked at. Also, I believe the City Treasurer is not being included in certain items that have a financial impact to the City.

Addressing the public comment from George Chachas where he stated that the City ordinance for City Treasurer requires an accounting degree. In City ordinance Article B. City Treasurer 1-6B-6: Employment Requirements: C, states: Education and Experience: A degree in accounting or three (3) years of experience in management and governmental accounting (see attached). My qualifications are as follows: I held the position of Deputy Treasurer, Treasurer and Deputy City Clerk for the City of Ely for a more than seven years. This matter should be put to rest.

If there are any questions, please contact me.

3. Mayor Van Camp – Ken Curto, American Legion White Pine Post 3 Commander – Discussion/For Possible Action – Approval to close Clark Street from 6th St. to 8th St. August 15, 2017 at 2:30 p.m. until August 16, 2017 at 10:00 a.m. for the American Legion Legacy Run to Reno motorcycle riders, to allow the riders to park their motorcycles overnight.

American Legion White Pine Post 3 Commander Ken Curto stated on August 15th approximately five hundred motorcycles will be in Ely arriving about 3:45 p.m. They will be laying a memorial at the war memorial at the Courthouse, having dinner at the Elks Lodge, staying overnight and continuing on to Reno to attend the National Convention of the American Legion.

Councilman Hanson moved to close Clark Street from 6th Street to 8th Street August 15, 2017 at 2:30 p.m. until August 16, 2017 at 10:00 a.m. for the American Legion Legacy Run to Reno motorcycle riders. Councilman Carson seconded the motion. The motion carried unanimously.

4. Mayor Van Camp – John Dishong of Simplistic Solutions – Nichole Baldwin – Discussion/For Possible Action – Consideration of an invitation from John Dishong of Simplistic Solutions and Nichole Baldwin to members of the Ely City Council, the Mayor, and the City Attorney to participate in Salsa Festival fundraising activities to benefit Simplistic Solutions from 4:00 p.m. to 10:00 p.m. on August 26, 2017 and possible approval to do so, including participation scheduling.

Jon Dishong stated the event is a dunk tank. I know that two hundred people will show up to dunk all of you. Last year the Council voted in support of us fixing up the Ruth Club and all of the money will go to fix that up.

Mayor Van Camp stated I'll be there for you.

Councilman DeFelice stated if Chuck goes, I'll be there.

Councilwoman Gardner stated I'll be there.

Mayor Van Camp recessed the regular City Council meeting at 6:58 p.m.

Mayor Van Camp reconvened the regular City Council meeting at 7:09 p.m.

20. Councilman Carson – Discussion/For Possible Action – Review of City Treasurer Trask's July 6, 2017 Memo to Mayor Van Camp, City Council Members and City Administrator Switzer regarding General Fund financial concerns.

Councilman Carson stated I put this on the agenda not to cause an uproar, but I felt we needed to get together as quickly as possible to discuss this.

City Treasurer Trask reviewed her memo appearing below and stated if you're talking about the corrections I've done so far that I've pointed out in here, the first two are just grants; they were set up incorrectly. The first one was expensed to the Fire Department's supply account, so it took money away from his budget. So, that's why in the third line I wanted to make it clear grants have separate accounts set up; one's a revenue, one's the expense and they have to match in the end. The Electrical Franchise fees were being recorded all in the General fund and that was set up originally at two percent (2%) for the Fire Protection/Street Improvement fund; it's since had another one percent (1%) added, that does go into the General Fund. So, when we get that check, two thirds goes to the Fire Protection/Street Improvement Fund and one percent hits the General fund; I got that straightened out and moved the fifty-two plus thousand out of the General fund into the Fire/Street fund. There's been confusion with some new fees from the Court that were set up to be placed in the General fund; they're usually dictated by law where they go and I had checked with our attorney. These pertain to the Assessment Fee fund we have set up for the Court; it's not for the General fund. Part of the Assessment fees go to the State, so they go into a Payable, not a revenue; so I adjusted them out of Revenue and put them into Payables. The Assessment fees were being paid out of the Court's General fund expenses, so that error was creating a big error in Muni Court's budget. We already discussed recycling revenue and it was agreed that we would switch it out of the General fund to the Landfill fund.

Date: July 6, 2017

To: Mayor VanCamp
City Council Members
Bob Switzer, Administrator

From: Janette Trask, Treasurer

RE: Finance Concerns – General Fund

Since starting back with the City of Ely, I have been working to straighten out the accounts in the general ledger for fiscal year 2017. The following is a list of several issues I have found and corrected. I will continue working on other issues to be corrected:

- Pennington grant revenue and expense have been recorded incorrectly resulting in the Fire Department supply expense being overstated in the amount of \$3,365.00.
- The Stryker grant expense in the amount of \$32,785.50 was also recorded incorrectly to the Fire Department supply expense account.
- All grants should have separate revenue/expense accounts that balance to each other at the end of the fiscal year.
- Electrical Franchise Fees in the amount of \$52,629.16 were recorded as revenue in the General Fund. It has been corrected and recorded as revenue in the Fire Protection/Street Improvement Fund.
- Court GMT Assessment Fees revenue of \$987.00 was recorded incorrectly to the General Fund and has since been recorded in the Court Assessment Fund. Fines collected on behalf of the State of Nevada were coded as revenue instead of in the payable account.
- Recycling revenue of \$5,336.00 was recorded to the General Fund and has been transferred to the Landfill Fund revenue.
- Assessment Fees payable to the State of Nevada in the amount of \$25,589.00 were being charged to the Courts General Fund expense causing the Courts supply expense and the payable account in the Assessment Fund to be overstated.
- Expenses in the amount of \$7,055.13 for the Sewer Fund were miscoded to the Street Fund expenses.

DRAFT

- A payment of \$212,123.32 from WP County for the Public Transit revenue was recorded into the Public Transit expense account. This understated the revenue and the expense accounts.
- The new room tax from WPC Tour & Rec of \$6,037.69 was recorded as revenue in the Street Fund that has been corrected and recorded in the Capital Improvement Fund.
- A review of the miscellaneous revenue account in the General Fund found over \$6,200.00 incorrectly coded that has been transferred to other Funds.
- Road Tax revenue of \$6,563.72 was recorded in the General Fund that has been corrected to the Street Fund.
- The Capital Credit refund in the amount of \$8,973.86 from Mt. Wheeler was recorded as revenue to the General Fund. This amount should have been coded to the Water and Sewer Fund as they consume the most power in the City.
- \$81,862.64 from the General Fund miscellaneous revenue was miss coded in the accounts receivable process and has been corrected and transferred to the Water Fund revenue.
- Payments for the Quarterly Bond contribution of \$6,221.16 to the State of Nevada was being paid out of a SUTA payable account that needed to be expensed out to the appropriate funds.

The PERS audit issues are being addressed with each month's report. For those not aware, several employees that are not PERS eligible were not set up to pay social security tax. The 941's and W-2's for these employees will have to be amended for the calendar years 2015 and 2016. The City will be responsible for paying both the employees and employers portion when they are filed.

I am continuing work with Hinton Burdick to find and correct other issues and get the bank statements up to date. Hinton Burdick will be here in the office July 19-20, 2017 to help assist with getting the Financials in order for the upcoming audit of fiscal year 2017.

Summarizing, I have corrected and transferred over \$162,465.00 of revenue out of the General Fund to other Funds causing the beginning fund for the fiscal 2018 to be overstated. With these above mentioned corrections, I project the ending fund balance for fiscal year 2017 to be closer to \$125,000.00 instead of the approximate \$200,000.00 stated in the budget for fiscal year 2018. As a point of clarification, in the City's General Ledger, the Budget Stabilization Fund balance is separate from the General Fund. The budget that is sent to the State, the Budget Stabilization Fund balance is included in the General Fund balance.

It appears, for several years, when the budget was prepared, the estimated total revenue budgeted for the General Fund was expensed in total. For example, Beginning fund balance is \$200,000.00, total revenue budgeted was \$1,000,000.00; they budgeted to spend all of the revenues. Budgeted fund balance remains at \$200,000.00. The problem with this is department heads have been allowed to spend what is budgeted, even though the actual revenue comes in lower than budgeted. The budgeted revenue was never adjusted to actual revenue and in a short period of time you are spending more money than you received, ending up with a fund balance that is in dire straits. The budget needs to be reviewed monthly, with revenues and expenditures monitored to forecast and ensure the ending fund balance does not get dangerously low.

Fiscal year 2013 had an audited ending fund balance of \$827,730.70. I am projecting this fiscal year ending 2017 to be less than \$125,000.00. That will be a reduction of over \$702,730.00 in four years. One means to increase the ending fund balance would be to reduce all unnecessary expenditures and go into survival mode with an "as need policy". When talking with Susan Lewis with the Department of Taxation, even she has said that the City needs to stop spending money.

Fiscal year 2013 police protection provided by the County cost \$380,000.00 and the City received \$268,200.00 for fire protection provided to the County. The net cost to the City was an \$111,800.00. For fiscal year 2017, the City expense for police protection was \$464,715.00 with no revenue for fire protection. I would recommend that the police protection agreement be readdressed.

I believe that I am not being allowed to perform all my functions as the City Treasurer. I am respectfully requesting that I be included in all financial matters relating to the City and be given all related materials.

In the matter of being the supervisor to the front office staff, I am requesting that I be informed and included in any matters relating to the staff. Due to the financial impact, I respectfully request to be informed and included in the hiring of staff. As staff is hired getting their information in a timely matter insures their payroll and benefit paperwork is completed before they start.

Please feel free to contact me with any questions or concerns.

Council Member Gardner asked it's just a line item?

City Treasurer Trask stated yes. It's recorded as a line item in the Landfill as Recycling revenue. As we stated, this new coming year any expenses – other than wages and benefits – will have its own line item also. Expenses for the Sewer fund were being coded into the Street fund; I found a bunch of those and switched those out of the Street fund into the Sewer fund. The payment of the two hundred twelve thousand plus for the Public Transit: The Public Transit has a revenue and we have Public Transit expense, almost like a grant in some ways that what we expense with Public Transit we get reimbursed from the County. Instead of the revenue, this was put against the Public Transit expense, so it did not create any revenue but it made it look like you had a whole lot more in your expense; so that got transferred into the correct account, so your revenue went up. The new room tax from the White Pine County Tour & Rec. was being recorded in the Street fund and when I got the resolution that created this, it specifies that was for strictly Capital Improvement for Street, for Water, for anything; so the best place to put that was not in the Street Department but in the Capital Improvement fund, so it cannot be spent on anything but infrastructures for whatever departments.

City Administrator Switzer stated this is strange because we received the payment from the White Pine County Tour and Rec. We have a line item set up for that in the Capital Improvement fund and we had been recording that previously.

City Treasurer Trask stated I didn't see it.

City Administrator Switzer stated the \$6,000.00 payment was a payment for one of the quarters.

Mayor Van Camp stated I thought we had \$50,000 already in that fund.

City Administrator Switzer stated last time I looked it was twenty some thousand we have in there.

City Treasurer Trask stated so maybe this was just one that got miscoded. The review of the Miscellaneous revenue account: Obviously what was budgeted was way less than what was in there and there was \$6,200 in incorrectly coded revenue that belonged in other funds; so once again, I was taking revenue out of the General fund and putting it elsewhere. Same thing with the road tax being put incorrectly. Other Road tax was being recorded correctly; I'm just finding ones that were not recorded correctly and had not been caught. In the past when I was here, the capital credit refund from *Mt. Wheeler Power* was split based on usage and the Water/Sewer funds are our biggest consumer of power; so rightly, they deserve the biggest chunk of that and I took amount out of the General fund and moved it over to the two. The Miscellaneous Revenue of the eighty-one plus thousand dollars was when they decided to use the Accounts Receivable to bill the mine for power usage on the wells they're responsible for; it didn't get put into Water fund revenue and got dumped into the General fund revenue. It's been corrected and we've corrected the process in Accounts Receivable, so future ones will get coded correctly. The Quarterly Bond payment contribution line item: When Payroll's created, it's set up to create a payable amount based off of a percentage that we charge for unemployment. This quarterly Bond Contribution is an additional charge that we have to pay on a quarterly basis; that's not set up in the system, so it was being paid out of the Payable account and it needed to be expensed out to the General fund, so I got that straightened out. The point I was doing by highlighting these was to show you why this huge amount - over \$162,000 – went out of the General Fund and is why the budget in place for Fiscal Year 18 is overstated. So, we're going into the new fiscal year with an ending fund balance substantially less.

Councilman Hanson asked how much less?

City Treasurer Trask stated Bob had said he budgeted for the ending fund balance to be around \$200,000. McKay did help get things put together; if there's any other issues we see for the good or the bad . . . , but right now I estimated the ending fund balance to be closer to \$125,000. Once again, this is with pulling the Budget Stabilization fund out of it because in our books we have it separated. For State purposes, they include the Budget Stabilization fund.

Mayor Van Camp stated but also with all of this thing going on, there has been the wonderful emails we received from Mr. Bassett about the insolvency of the City, which is not true. It's the

headlines in the paper that doesn't help us any. This got blown out of proportion and that's why I always use the line, "Trust but verify." We called the accountants and I'd like him to stand up and help us out on this because this puts a black eye on us and a lot of this stems from when you left and other people were hired. We have incompetent people working the books who do not know what they're doing. Now it's come full circle and we're getting it. We've got all that here-say: 'the Department of Taxation is taking over the City'. Is that correct?

City Treasurer Trask stated no, because . . .

Mayor Van Camp stated we're not even close to it and we're not insolvent, so maybe you might put that in the paper.

City Treasurer Trask stated I contacted the State, just to verify what I already knew. We have to, by law, carry four percent (4%) or greater of the last audited fiscal year's expenses. Right now that's for 2016. So, I did a calculation of four percent of the budgeted expenses; it came to \$92,810.80. That on top of the fact that without the Budget Stabilization, we're still over \$100,000. You combine with Budget Stabilization, we're over two hundred plus thousand.

Mayor Van Camp stated so we're not getting taken over by the Department of Taxation.

City Treasurer Trask stated no. When I looked at the budgeted fiscal year of 2013, I saw the ending fund balance, without the Budget Stabilization, was over eight hundred thousand dollars. Then I looked at this and thought 'we went from that to this!', we need to do something.

Mayor Van Camp stated we also have \$480,000 for police protection.

City Treasurer Trask stated yes and that's noted in here too. We need to look at why the expenses are depleting the ending fund balance so much.

City Administrator Switzer stated we brought this up over a year ago as we looked to our declining ending fund balance. The Council had earlier expressed by motion/action to keep the ending fund balance around \$500,000, which we weren't able to do.

City Treasurer Trask stated McKay pointed out to me that there was definitely overspending of budgets. The big one was the Street fund; there was a huge unbudgeted transfer of over \$100,000 in '15 to bail it out.

McKay Hall of Hinton Burdick stated that was the first year that the fund balance really started to take a decline and we said 'You've got a problem. You've really got to watch your spending.' Then in '16, the City did much better in watching the spending; it still went over budget, but much less than it had. Unfortunately, the revenues hadn't come in as had been budgeted.

Mayor Van Camp asked in your opinion, has the police protection issue had a big impact on our General fund?

McKay Hall stated it's most definitely a big expense that you've taken on that you didn't have before.

Mayor Van Camp in your opinion on all of these items, were these extremely deficient?

McKay Hall stated everybody's human and no matter which organization you're in, you're always going to have some small number of items that are miscoded, whether it's through a misunderstanding or whether it's through a miscode. When you have a large number of errors, that's an issue. I do feel the City is in a really good place at this point as I've worked with Janette and the staff. At this point, things are getting addressed and taken care of. So I think we're in a real good place as a City with employees.

Mayor Van Camp stated it was stated to me that your firm wasn't happy with the way the City's doing things and you're glad to wash your hands of us.

City Treasurer Trask stated no, that was my opinion; that was nothing he stated.

Councilman Carson stated we're into a personnel session issue to me.

Mayor Van Camp stated so we're not in fear of insolvency and not going to get taken over by the Department of Taxation?

McKay Hall stated at this point with the information I have, you're well above the State's minimum requirement that would initiate that process. We shouldn't be facing that issue at all.

City Treasurer Trask stated if we continue spending the way we have in the past two years?

McKay Hall stated then we'll be facing that issue. You're still in a place where you need to be careful and watch what you're spending and make sure that you are, at a minimum, not decreasing that fund balance, but building it back up. Part of the reason for a fund balance is so that when you have real bad years, you have some padding to protect that, but if you don't build that fund balance back up you will find yourself in a tight situation.

Councilman Carson asked we know the Sheriff's contract's a huge issue. What are our other highest places where we're losing money?

McKay Hall stated at this point, your biggest thing you want to do is keep an eye on your actual revenues coming in.

City Treasurer Trask stated our next biggest expense is payroll. Form a committee to address these issues to come back to the Council. Part of my problem is I can't get you all together without it being in a public meeting.

Councilman Hanson asked do you feel we need to look at a spending freeze?

City Treasurer Trask stated I think we need to look at it. When I saw how far the ending fund balance dropped in three years and it didn't change from 13/14 very much; we need to start building this fund balance, not just trying to keep it status quo because it's not working.

Councilman Carson asked with all these numbers put in the right spot now, what does that do to this year's budget?

McKay Hall stated as Janette said, the number that is going to change is your fund balance. Have the committee look at what has been budgeted, compare it with this year's actual and see if it makes sense.

City Treasurer Trask stated the actual's not going to happen until the audit's finished, which is usually winter.

McKay Hall stated in governmental accounting there's a sixty-day rule, where some of those items play back into the previous fiscal year. If you haven't budgeted to spend down your fund balance next year, if you stick to the budget and your revenues come in the way they've been budgeted—keep your expenses under—you shouldn't decrease, but there's that caveat if your revenues are coming in less than what's been budgeted, you've got to make sure you decrease your actual expenditures to match.

Councilman Carson stated looking at these numbers, I want to hold onto an additional \$200,000 going forward.

McKay Hall asked over what time period? The GFOA, Government Finance Officers Association, recommends having, at a minimum, two months-worth of expenditures as a fund balance. Now in looking at the numbers as they are right now, you're looking at about one to one and a half months in your fund balance. So, it's lower than their recommended minimum, but it doesn't mean that you're drowning. The first thing is to make sure that you don't spend down. From there, build it back up. Maybe you've got some things you can do in house that you haven't done before. As it looks right now, I'm optimistic that '17's actual expenditures are going to be under the budgeted expenditures; the City really took measures to make sure those expenses came down. The problem is it looks like there's an even bigger gap in revenues. So, there will be a small decrease in fund balance in '17. As Janette said, until things get finalized we won't know that for sure.

City Administrator Switzer stated in the interim, my opinion is we begin now and look at areas like wages/benefits that's affecting our General fund. We do have the full budget year ahead of us. We have time if we start now to take some cost cutting measures.

McKay Hall stated there's a lot of truth to that because if you can cut costs and save \$15,000 over the next two months, regardless of what the ending numbers are last year, you will still have saved \$15,000.

City Treasurer Trask stated that was the whole point. We're going into a new fiscal year and my thought is we better start something now.

Councilman Carson stated we've essentially been on a spending freeze for a year.

City Administrator Switzer stated and we took measures to take off some of our General fund activities during the winter months, moving Parks/Cemetery assets to other things like Recycling; we probably need to look at that again.

Councilman Hanson moved to direct the Administrator to form a committee to come back with recommendations on specific things to curb expenses.

Councilman Carson stated I disagree with that. It's our responsibility and committees slow down the process.

Councilman Hanson asked do you want us all to come back with specific recommendations?

Councilman Carson stated I do.

Councilman Flangas stated each one of us can talk to Bob, Janette and look where money has been expended. It's very important that each one of us is involved.

Councilwoman Gardner asked at this time, can we put on a spending freeze?

City Attorney Odgers stated not under this agenda item.

City Treasurer Trask stated that works. I'll be available to you guys and the person can put it on the agenda at the appropriate time.

Councilman DeFelice stated I recommend that Janette report monthly.

City Treasurer Trask stated when I do the financial statement I report to you guys because I write a cover letter detailing the month's activities; I'm just waiting until I get true figures. One thing I'm hoping to save on is reducing their fee because we won't be using them as much.

McKay Hall stated our goal is to be of service to the City, whatever degree of service it needs to be.

City Administrator Switzer stated I've shared some ideas with some of the Councilors I think would be effective, apart from anything with the County's Police Protection that we currently have. It may be the sentiment of the Council that we come up with many different ways to cut, in and of themselves not very much, but when they add up over the course of the fiscal year, then we're looking at positive numbers that will bring us below expenditures even if our revenues fall.

Councilman Carson moved that the City Treasurer be included on all financial matters.

Councilwoman Gardner seconded the motion. The motion carried unanimously.

5. Council Members – City Administrator Switzer – Discussion/For Possible Action – Approval to renew the city of Ely's membership in the White Pine Chamber of Commerce at a total cost of \$450.00 to be paid equally between all funds.

Councilman Carson moved not to renew the City of Ely's membership in the White Pine Chamber of Commerce and to direct the City Administrator to write a letter stating that the City is not joining this year, but hopes to do so next year. Councilman Hanson seconded the motion. The motion carried 4 to 1, with Council Member Flangas voting Nay.

ARTICLE B. CITY TREASURER

1-6B-1: OFFICE CREATED:

There is hereby created the office of city treasurer, who shall serve at the pleasure of the mayor and city council. (Ord. 539, 12-21-1999)

1-6B-2: PURPOSE:

The city treasurer acts as chief financial officer preparing financial statements and records, developing procedures for financial control, and performing other duties as assigned. (Ord. 539, 12-21-1999)

1-6B-3: APPOINTMENT:

This position is appointed by the mayor with the advice and consent of the city council. (Ord. 539, 12-21-1999)

1-6B-4: TERM; REMOVAL:

The term of office continues until the next city election following the appointment and until a successor is appointed and qualified, unless sooner removed by the mayor with the concurrence of a majority of members of the city council, unless the term is ended by removal from office as provided in Nevada Revised Statutes 266.415 and in event of a mayoral veto, as provided in Nevada Revised Statutes 266.200. (Ord. 662, 11-14-2013)

1-6B-5: DUTIES¹:

The following is used as a partial description and is not restrictive to duties required:

- A. Performs all duties required by Nevada statutes and as prescribed by city ordinance and resolution.
- B. Manages and coordinates the operations of the finance department including accounts payable, tax and revenue collection; issuing of business, liquor, gaming and brothel licenses, and work cards, (all upon approval by proper authorities), utility billing and investments. Responds to customer complaints and inquiries; establishes department policies, goals and objectives.
- C. Prepares and interprets financial records; reconciles asset and liability accounts to source documents; performs fund analysis of expense and revenue accounts; prepares financial statements on a monthly basis; compiles annual financial statement; prepares special financial reports as necessary.
- D. Performs cost control activities, monitors revenues and expenditures in consultation with other appointed officials and department heads to assure sound fiscal control. Assures effective and efficient use of budgeted funds.
- E. Prepares preliminary and final city annual budget for review by clerk or administrator prior to presentation to mayor and city council. Prepares annual budget for revenues and other funds. After review by administrator or city clerk, compiles the final annual city budget for submission to the department of taxation, mayor, and city council for approval and use for next fiscal year.
- F. Provides expenditure data on a monthly basis to department heads to assist them in compiling their annual budgets.
- G. Ensures collateralization of investments; prepares monthly, quarterly and annual reports to the IRS, department of taxation, workers' compensation, employment security, etc.; develops, coordinates, and maintains policies and procedures for financial control after consultation with other appointed officials and department heads.
- H. Maintains city's original payroll personnel files; oversees payroll administration and dissemination of employee benefit information; provides payroll and benefits orientation for new employees.

- I. Operates standard office equipment including word processors, personal or on-line computers, calculators, fax machines, copy machines, and multi-line telephones.
- J. Coordinates with city administrator or clerk and mayor and/or city council liaison in the selection of staff for vacant positions within department or otherwise as requested; on-the-job training for department staff; evaluates the work performance and implements disciplinary actions of subordinates.
- K. Advises the mayor, city council, and city clerk of current and future city financial status. (Ord. 539, 12-21-1999)

1-6B-6: EMPLOYMENT REQUIREMENTS:

- A. Knowledge: Governmental accounting standards; state law applicable to financial activities of municipalities; financial information systems and procedures; state law pertaining to payroll administration, licensing and elections; principles and practices of management and supervision; financial planning; budgetary practices.
- B. Ability: Analyze and interpret fiscal and accounting records and data; establish and maintain working relationships with city officials, staff, government agencies, and the public; devise and implement accounting and record keeping procedures; make verbal and written recommendations and presentations to city council and municipal utility board regarding technical and financial matters.
- C. Education And Experience: A degree in accounting or three (3) years of experience in management and governmental accounting.
- D. Special Requirements: A valid Nevada driver's license for equipment to be operated.
- E. Physical Requirements: Strength, dexterity, coordination and vision to use keyboard and video display terminal for prolonged periods. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of items weighing up to twenty five (25) pounds, files, stacks of paper, reference and other materials. Moving from place to place

within the office and some reaching for items above and below desk level. Some independent travel by car. (Ord. 539, 12-21-1999)

1-6B-7: SELECTION GUIDELINES:

- A. Formal application, rating of education and experience, oral interview and reference checks are required. A job-related test might be required.
- B. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.
- C. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change. (Ord. 539, 12-21-1999)

1-6B-8: WORKING CONDITIONS:

Basically an indoor desk job. Environment is generally clean with limited exposure to conditions such as dust, fumes, odors, or excessive noise. Requires mobility to attend required meetings in behalf of the city. (Ord. 539, 12-21-1999)

MARIJUANA COMPACT
Between
THE ~~WALKER RIVER~~ ELY SHOSHONE TRIBE
And
THE CITY OF ELY, NEVADA

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I. Introduction

This Compact is entered pursuant to Senate Bill 375, Chapter 305, Laws of 2017 (the “Compacting Legislation”). This document will be cited as the Marijuana Compact Between the ~~Walker River~~ Ely Shoshone Tribe and the City of Ely, Nevada, and hereinafter referred to as the “Compact.”

II. Parties

The Parties to this Compact are the ~~Walker River~~ Ely Shoshone Tribe (interchangeably, the “Tribe” or “EST”), and the City of Ely, Nevada (the “City”) (collectively, the “Parties”).

The Tribe is located on the Tribe's Reservation which is situated within the City of Ely, Nevada. The Tribe is a federally-recognized Indian tribe possessed of the full sovereign powers of a Tribal government.

The City is situated within the City Ely, Nevada, United States of America, a political subdivision of the State of Nevada and possessed of the full powers of a City government pursuant to NRS 268 and NRS 266. The Nevada Department of Taxation (“Department”) and the Department of Health and Human Services (for medical marijuana) are within the ~~is an~~ executive department of the State of Nevada ~~City~~ government operating under the authority of the Governor, with statutory authority with respect to marijuana under Nevada Revised Statutes (“NRS”) Chapters 453A and 453D. The Compacting Legislation allows the Governor to enter into an agreement with any federally recognized Indian tribe located in the State of Nevada regarding marijuana.

Pursuant to Nevada Revised Statutes, Chapter 266 and 268 respectively, the City has the authority to enter into contracts with other governmental entities. The parties recognize the Tribe is such a governmental entity for purposes of the Compact and as such, the City believes that the matters contained in this contract fall under the provisions of NRS 268.003 and NRS 268.0035 and on that basis enter into this contract.

III. Purpose

Historically, the cultivation, possession, delivery, distribution, and sale of marijuana have been illegal across the United States, and in Indian Country. In 2016, Nevada voters passed Question 2, which sets forth a tightly regulated, State licensing system allowing for the cultivation, processing, and retail sale of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products for recreational purposes within the State.

While the federal Controlled Substances Act continues to designate marijuana as a Schedule I controlled substance, on August 29, 2013, the United States Department of Justice issued a memorandum to all United States Attorneys (the “Cole Memorandum”) setting forth guidance regarding marijuana enforcement. In that memo, James M. Cole, Deputy Attorney General, established eight enforcement priorities of particular importance to the federal government: (1) preventing the distribution of marijuana to minors; (2) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (3) preventing the diversion of marijuana from States where it is legal under States law in some form to other States; (4) preventing States-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (5) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (6) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (7) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (8) preventing marijuana possession or use on federal property. The Cole Memorandum further states that the focus of federal law enforcement resources and efforts will be on those whose conduct interferes with the States priorities and that States and local governments should provide sufficiently robust regulatory and enforcement systems to protect against these harms.

On October 28, 2014, the United States Department of Justice issued another memorandum to all United States Attorneys (the “Wilkinson Memorandum”) providing a policy Statement regarding marijuana issues in Indian Country. In that memo, Monty Wilkinson, Director, Executive Office for United States Attorneys, acknowledged that “[t]he eight priorities in the Cole Memorandum will guide United States Attorneys’ marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country.” The Wilkinson Memorandum effectively treats tribal governments the same as City governments in the decision to legalize marijuana.

On or about January 4, 2018 Attorney General Sessions issued a memorandum guiding the Associate Attorney Generals of each state to determine which, if any, marijuana activities they will prosecute. The parties understand this change at the Federal level may very well impact this Compact.

Through Nevada law and the Department’s implementing rules, the State has decriminalized the cultivation, possession, delivery, distribution, sale, and use of marijuana in Nevada and has attempted to set forth a civil regulatory system that accomplishes the federal priorities set forth above and keeps marijuana cultivation, processing, and sale in Nevada regulated and safe for the public.

After serious deliberation, the Tribe, as a sovereign nation, has also determined that present day circumstances make a complete ban of marijuana within Indian Country ineffective and unrealistic and has decriminalized its sale and possession in certain circumstances. At the same time, consistent with the federal priorities, the need still exists for strict regulation and control over the cultivation, possession, delivery, distribution, sale, and use of marijuana in

Indian Country.

The City, State and the Tribe recognize the need for cooperation and collaboration regarding marijuana in Indian Country. The State has authorized the entry of this Compact by the Compacting Legislation, enacted by the 79th (2017) Session of the Nevada Legislature on May 23, 2017, signed by the Governor on June 2, 2017, effective June 2, 2017. Through this Compacting Legislation, the State authorized the Governor to enter agreements with American Indian tribes concerning the regulation of marijuana. The Tribe and the State of Nevada entered a Compact allowing the Tribe to open their marijuana facility in Indian Country and on the Tribe's "fee land" and "Colony". The Tribe and the City authorize this agreement concerning the regulations of the production, cultivation and processing of marijuana in Indian country located within the City and Indian country as defined by this Compact between the Tribe and the City.

The Parties share a strong interest in ensuring that marijuana production, cultivation and processing, ~~and sales~~ in Indian Country are well-regulated to protect public safety and community interests. The Parties acknowledge that pursuant to federal law, 21 U.S.C. § 812, marijuana is a Schedule I controlled substance and that this Compact does not protect the ~~sales or regulation~~ cultivation and processing of marijuana in Indian Country from federal law; however, the Parties have entered into this Compact in order to strengthen their ability to meet these mutual interests and to provide a framework for cooperation to ensure a robust Tribal, State and City regulatory and enforcement system sufficient to meet the federal priorities identified in the Cole and Wilkinson Memorandums.

The Parties acknowledge that the laws of the Tribal government relating to the ~~possession, delivery,~~ production, cultivation, processing, ~~testing and use~~ of marijuana, edible marijuana products, marijuana-infused products and marijuana products are at least as restrictive as the provisions of Chapters 453A and 453D of the NRS and any regulations adopted pursuant thereto and the Tribal government is enforcing or will enforce those laws.

~~The Parties acknowledge that the laws of the Tribal government should be the governing laws of the plot of land recognized as the colony and the City releases any interest and rights to govern or maintain this land.~~ The Parties recognize that the land located in the area known as the colony is held in fee status, as defined by the Bureau of Indian Affairs. As such, the Tribal Government, wishing to place a Tribal Enterprise for the production, cultivation and processing of marijuana in that area must adhere to the building code standards as adopted by the City and the State of Nevada, the Fire Marshall requirements for life safety issues and the other health safety issues of the residences located in that general area, as well as, the safety of the City's water and sewer systems.

The Parties agree that it is in the best interests of the Tribe and the City that they enter into this Compact to enhance public health and safety, ensure a lawful and ~~well-regulated~~ well-regulated marijuana market, encourage economic development in Indian Country, and provide fiscal benefits to both the Tribe and the City.

IV. Definitions

- A. “Auditor” means a certified public accountant licensed and in good standing in the City of Ely, Nevada.
- B. “Compact,” as previously defined in Part I, means this Marijuana Compact between the ~~Walker River~~Ely Shoshone Tribe and the City of Ely, Nevada, for the production, cultivation and processing of marijuana as it is written and as, from time to time, may be ~~come~~ amended.
- C. “Essential Government Services” means services provided by the Tribe or City, including, but not limited to, administration, public facilities, fire, police, health, education, elder care, social services, sewer, water, environmental and land use, transportation, utility services, community development, and economic development.
- D. “Indian Country” means the lands of the ~~Walker River~~Ely Shoshone Tribe, including the Tribe’s Reservation, Colony, fee or restricted fee lands, and all lands held in trust status by the United States for the Tribe or its Tribal Members.
- E. “Marijuana,” “edible marijuana products,” “marijuana concentrates,” “marijuana-infused products,” and “useable marijuana” as used in this Compact shall have the same meanings as defined in NRS Chapters 453, 453A, and 453D or any amendments thereto. Together, these terms shall be referred to as “Marijuana Product” or “Marijuana Products.”
- F. “Marijuana product manufacturing facility” means any marijuana processor in Indian Country licensed or otherwise allowed by the Tribe pursuant to the ~~WRESTMC~~ to process marijuana into useable marijuana, marijuana concentrates, and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale to retailers, and sell Marijuana Products at wholesale to retailers.
- G. “Marijuana cultivation facility” means any marijuana cultivator in Indian Country licensed or otherwise allowed by the Tribe pursuant to the ~~WRESTMC~~ to cultivate and sell marijuana at wholesale to marijuana product manufacturing facilities and other marijuana cultivation facilities.
- H. “Parties,” as previously defined in Part II, means the City and the Tribe.
- I. “Retail marijuana store” means any marijuana retailer in Indian Country licensed or otherwise allowed by the Tribe pursuant to the ~~WRESTMC~~ to sell Marijuana Products in a retail outlet.
- J. “City,” as previously defined in Part II, means the City of Ely, Nevada.
- K. “City Licensee” means any marijuana product manufacturing facility, marijuana cultivation facility, marijuana distributor, marijuana testing facility or retail marijuana

store licensed by the City.

L. “City Tax” means any marijuana excise tax or sales and use tax imposed by the City on sales of Marijuana Products.

M. “Tribal Enterprise” means a business or agency owned in whole or in part by the Tribe and authorized to sell Marijuana Products under the ~~W~~RESTMC.

N. “Tribal Tax” means a tax imposed by the Tribe on marijuana activities.

O. “Tribe,” as previously defined in Part II, means the ~~Walker River~~Ely Shoshone Tribe.

P. “~~W~~RESTMC” means the ~~Walker River~~Ely Shoshone Tribe’s Marijuana Code, contained in Title 453a and 453d of the Tribe’s Law and Order Code.

V. Terms

A. Applicability. This Compact applies to the production, cultivation, and processing, ~~and sale~~ of Marijuana Products ~~in Indian Country~~ on the Colony as previously described where the Tribe or Tribal Enterprise (i) produces, cultivates, processes, delivers, or causes delivery to be made to, ~~or receives delivery of Marijuana Products from~~ a State Licensee or (ii) physically transfers possession of Marijuana Products from the wholesaler ~~seller~~ to a State Licensee ~~Retailer~~ ~~the buyer~~ within Indian Country. Except as otherwise provided herein, the production, cultivation, processing and wholesale sale, ~~and possession~~ of Marijuana Products in Indian Country shall be pursuant to the ~~W~~RESTMC and in accordance with this Compact are ~~not~~ subject to the terms of NRS 453A, NRS 453D, NAC 453A ~~or~~ and appropriate regulations promulgated by the State of Nevada or the City of Ely for the health, safety and welfare of its inhabitants and visitors. ~~any other regulations promulgated under those NRS Chapters and any such activities will not be a criminal or civil offense under Nevada City law.~~ This Compact is not intended to criminalize the production, cultivation and processing of marijuana on the Colony and reinforces the position of the parties that they wish to work together for the betterment of the Tribe, Tribal Members and the City and the City’s residents, ~~of which, tribal members living on the colony are.~~

Comment [NC1]: Why was the term, “buyer” deleted?

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B. Retail Sales. The Tribe and/or its Tribal Enterprises may sell Marijuana Products in Indian Country pursuant to the ~~W~~RESTMC and this Compact.

1. The Tribe shall notify the City at least 30 days prior to the opening of any Retail location owned by the Tribe or Tribal Enterprise within the City of Ely. Such notification shall include:

a. The identity of the Tribal entity which is operating the retail location;

- b. Location of the premises; and
- c. Certification that the premises is in Indian Country.
- d. The Tribe shall not open more than one retail marijuana facility in

the city.

e. The Tribe's Cultivation and production center will be at 16 Shoshone Circle, Ely Nevada and is in Indian County as defined by the State's Compact with the Tribe.

2. ~~Retail sales,~~ Cultivation and Production of Marijuana Products by the Tribe and any Tribal Enterprise must be conducted in accordance with ~~WRESTMC~~ and the internal policies and controls of the Tribe or Tribal Enterprise. The ~~WRESTMC~~, as it exists on the date of this Compact, is attached as Exhibit A. Current copies of the ~~WRESTMC~~ and marijuana internal policies and controls of the Tribe and any Tribal Enterprise shall be provided to the City and as revisions are made, if any, shall be provided to the City within ten (10) business days of change. ~~will be made available for review by the City upon request.~~ The Tribe agrees to notify the City of Ely, of any changes to the ~~WREST~~'s Law and Order Code that may affect Marijuana Products within ten (10) working days of the date of adoption by the Tribe.

3. If the Tribe opens any Retail Marijuana Store, ~~a~~ All Marijuana Products purchased by any Retail Marijuana Store from a State Licensee will be verified upon delivery in Indian Country, and confirmation of receipt will be made by executing the delivery invoice. The Retail Marijuana Store will input or cause to be input all delivered purchases into the State's tracking system within twenty-four (24) hours of any such ~~delivery~~.

4. All Marijuana Products purchased by the Tribe or a Tribal Enterprise from the tribal government, tribal enterprise, or member of another federally-recognized Indian Tribe with a reservation located within Nevada, or sold by the Tribe or a Tribal Enterprise to the tribal government, tribal enterprise, or member of another federally recognized Indian Tribe with a reservation located within Nevada, will be recorded in ~~either~~ the Tribe's tracking system within twenty-four (24) hours of any such receipt or delivery. The Tribe and any Tribal Enterprise will make such records available for review by the ~~State~~ City upon request.

Comment [NC2]: Wondering if this paragraph is needed.

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C. Cultivating and Processing of Marijuana Products. The Tribe may allow the cultivating and processing of Marijuana Products in Indian Country pursuant to the following terms:

1. The Tribe shall notify the City prior to the start of operations of any Marijuana Product Manufacturing Facility or Marijuana Cultivation Facility by the Tribe or a Tribal Enterprise that is opened within the City. Such notifications shall include:

- a. The identity of the Tribal entity which is operating the Marijuana

Product Manufacturing Facility or Marijuana Cultivation Facility;

b. Location of the premises which for purposes of this ~~compact~~ Compact will be 16 Shoshone Circle, Ely, Nevada 89301. ~~and~~

2. Cultivating and processing of Marijuana Products by the Tribe and any Tribal Enterprise must be conducted in accordance with the ~~WRESTMC~~ and the internal policies and controls of the Tribe or Tribal Enterprise, which shall be at least as restrictive as the mirror the applicable provisions of NRS and NAC. The ~~WRESTMC~~ as it exists on the date of this Compact is attached as Exhibit A. Current copies of the ~~WRESTMC~~ and any internal marijuana policies and controls of the Tribe and any Tribal Enterprise governed by the Compact will be ~~made available for review by the City upon request~~ provided to the City of Ely. The Tribe agrees to notify the City of Ely, any changes to the ~~WREST~~'s Law and Order Code that may affect Marijuana Products within ten (10) business days of the date of adoption by the Tribe.

3. The ~~Tribe~~ agrees to install a commercial water meter, backflow prevention device and pay commercial water fees for the water used at the ~~Tribe's~~ cultivation facility.

4. The Tribe agrees that the fire marshal shall inspect and give recommendations to make the property as safe as possible and to verify the ~~Tribe~~ is in compliance with the Tribe's administrative code (same as NAC) and State Fire Codes as the location of the proposed production, cultivation and processing facility is currently in a residential district.

5. City ~~Tax~~ Business License. The City and Tribe acknowledges that the City of Ely requires all commercial enterprises located within the City of Ely to obtain and maintain a business license pursuant to City Code 3-1 and the City has determined that an annual business license fee shall be paid for a license for a cultivation facility within the City. That Fee is set by Resolution of the City Council and shall not change during the term of this Compact, prior to renewal under Article VII.A.

6. City Gross Revenue Fees. In addition the City has opted to include a ~~Quarterly~~Semi-Annual Gross Revenue fee structure for the wholesale sale, production and processing of marijuana at the rate of ~~67.05%~~ of gross sales to be paid each and every quarter to the City ~~six months~~. Gross sales shall be determined based upon how much cannabis is produced at this facility, not based upon how the cannabis is packaged, unless (1) the transaction is otherwise exempt from City marijuana taxation under City, State or federal law; or, (2) the transaction involves medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar facility owned and operated by the Tribe within Indian Country. The Tribe or Tribal Enterprise shall be required to pay the same rate as a non-tribal production, cultivation and processing facility would be required to pay within the City. In return, the City agrees not to allow another production, cultivation or processing facility to obtain a business license within the incorporated City limits for the Term of this Compact.

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a. The Tribe will collect the 6.0% percent Gross Revenue Fee and render that fee to the city, quarterly, on all marijuana produced, cultivated or processed from 16 Shoshone Circle, Ely, Nevada. The Gross Revenue Fee shall be calculated based upon the fair market value of the particular type of marijuana product (oils, buds etc.) as determined by the Ely Shoshone Enforcement division which cannot be less than the fair market value determined and published by the Nevada Department of Taxation pursuant to their regulations. The Tribe shall post the fair market value on the enforcement division's website: TribalCannabisCoalition.com.

b. At the Cities' request, the Tribe will obtain, at its own expense, an Auditor to test the Tribe's compliance with this section V, Terms of the Compact. The Auditor will review a sample of records to verify the requirements of this section and will provide the City with a report detailing the results of the testing procedures, to include identification of any instances of noncompliance with the terms of this section. The City will not request more than one such audit per year.

5. a City Tax or fee, assessment, or other charge at the rate of 3.5% of retail sales of marijuana or marijuana products sold in the Tribe's retail store located at 963 S POCHE HWY, Ely, NV 89301, and imposed by the City or local governments may be assessed against or collected from the Tribe, Tribal Enterprises, City Licensees, or retail customers in Indian Country related to any commercial activity related to the production, processing, sale, and possession of Marijuana Products governed by this Compact. To the extent any other City license fee is assessed for the Cultivation facility located at 16 Shoshone Circle, it is acknowledged that the license fee shall not exceed \$3000.00 (Three thousand dollars) per year, due upon the one year anniversary of license issuance.

74. —It is acknowledged that the Tribe may be forced to relocate the retail operation off trust land and onto fee land at some point in the future. If this does occur the location will be in "Indian Country" but shall also comply with the zoning and building requirements of the City, if the location is within the city limits. The City acknowledges that the license fee shall not exceed the cost of a business license fee for similarly situated non-Tribal businesses. not exceed \$3,000.00 (Three Thousand Dollars) per year, due upon the one year anniversary of license issuance.

5. All other charges imposed by the City or local government, or Tribal Tax is assessed against or collected from any State Licensee related to a sale to or purchase in Indian Country from the Tribe or Tribal Enterprises, of any marijuana product, it shall be refunded or otherwise paid by the City to the Tribe within thirty (30) days of receipt by the City. Any refund amounts so received by the Tribe will be used for Essential Government Services. No refund will be granted on City Tax collected from a retail customer by City Licensees on the sale of marijuana or marijuana product if that marijuana or marijuana product was originally purchased by the City Licensee from the Tribe or Tribal Enterprises.

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~~6. Tribal Tax. The Tribe shall impose and maintain a Tribal Tax that is equal to at least 100 percent of the City, State, and County Tax on all wholesale sales of Marijuana Products in Indian Country, unless (1) the sale is to the Tribe, Tribal Enterprise, or an enrolled member of the Tribe; from the production, cultivation and processing facility located at 16 Shoshone Circle, Ely, Nevada 89301, unless (2) the transaction is otherwise exempt from City marijuana taxation under City, State or federal law; or, (3) the transaction involves medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar facility owned and operated by the Tribe within Indian Country. The Tribe may choose to levy a Tribal Tax on any transaction that may otherwise be exempt under City, State or Federal law. The 3.5% tax paid to the city will be included as part of this 100% tax.~~

Comment [NC3]: This deleted part is right from the state compact and we are concerned about conflicting terms. The City does not need to collect the city, county and state tax on a sale to the tribe, tribal enterprise or enrolled members of the tribe. Thus, please clarify intent here.

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~~A. The city will take over the 1% tax payment to the boys and girls club not to exceed \$500.00 per month as part of the 3.5% tax once a new center opens in the City.~~

~~A. The Tribe will collect a 7.5% 1 percent tax and render that tax it to the city, monthly, on each pound of marijuana grown produced, cultivated or processed and transferred or sold from at 16 Shoshone Circle, Ely, Nevada. The tax will be based upon fair market value as determined by the Ely Shoshone Enforcement division but cannot be less than the fair market value determined and published by the Nevada Department of Taxation pursuant to their regulations. The division shall post the fair market value on the enforcement division's website: TribalCannabisCoalition.com~~

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~~(1) At the Cities' request, the Tribe will obtain, at its own expense, an Auditor to test the Tribe's compliance with this section E V, Terms of the Compact. The Auditor will review a sample of records to verify the requirements of this section and will provide the City with a report detailing the results of the testing procedures, to include identification of any instances of noncompliance with the terms of this section. The City will not request more than one such audit per year.~~

~~a. The Tribe agrees to collect a tax of 3.5% sales tax on all marijuana sales as a city sales tax, and is required to surrender this tax amount to the city monthly.~~

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D. Safety and Enforcement. The White Pine County Sheriff's Office shall be responsible for all enforcement issues at 16 Shoshone Circle, Ely, Nevada, and will work in cooperation with the Tribe on ensuring the cultivation, processing and production facility meets all security standards for a cultivation facility as articulated in NAC and ESTMC. The Tribe shall be responsible for and address safety and enforcement issues in accordance with the ESTMC, this Compact, and internal policies and controls of the Tribe or Tribal Enterprise.

1. Premises Checks.

a. By the Tribe. The ~~Walker River Paiute~~ Ely Shoshone Tribe Police Department or other authorized agency may conduct its own premises checks ~~in Indian Country~~ at 16 Shoshone Circle, Ely, Nevada to observe compliance with the ~~WRE~~ESTMC and this

Compact and to provide support and education to Tribal Enterprises and staff. To the extent ~~if~~ the Tribe is informed of the results of such premises checks, the ~~Walker River Paiute~~Ely Shoshone Tribe's Tribal Council will share the results of the premises checks with the City.

b. By the City. The City, through its staff, may also request premises checks to be done by the White Pine County Sheriff's Office, upon reasonable suspicion that the cultivation facility is not meeting security concerns or needs. ~~Walker River Paiute~~Ely Shoshone ~~Tribe's Police Department.~~The Tribe may be, and ~~are~~is authorized to be, present to observe any such check to observe compliance with this ~~compact~~Compact and with the ESTMC. The City ~~can~~may observe any part of the program located at 16 Shoshone Circle, Ely, Nevada, during these checks. The City ~~will~~shall contact the White Pine County Sheriff's Office and ~~contact~~the ~~Walker River Paiute~~Ely Shoshone Tribe's Police Department ~~to provide twenty-four (24) hours'~~ with no less than twenty-four (24) hours written notice of such premises check. The ~~WR~~EST Police Department and/or authorized Tribal authorities must participate in all requested premises checks. The City is not required to be present at all requested premises checks that the City requests the ~~Walker River Paiute~~Ely Shoshone Tribe's Police to conduct. The City and Tribe will share the results of such premises checks with ~~Walker River Paiute~~Ely Shoshone Tribe's Tribal Council. The City will not request such checks to cause more than one to be conducted every thirty (30) calendar days unless there is a documented complaint or ~~probable cause~~reasonable suspicion to believe that there is a compliance issue. If there is such a non-compliance issue, the City may request a premises check at any time with a ~~twenty-four (24)~~twenty-four (24) hours' written notice provided to the ~~Walker River Paiute~~Ely Shoshone Tribe's Police Department from the City. This does not prevent City officials, including Building Official, Fire Department, or Water and Sewer department from conducting premises inspections pursuant to their legal authority under Nevada Revised Statutes.

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c. Cooperation. Both Parties will cooperate in good faith to undertake all City-requested premises checks jointly. The ~~Walker River Paiute~~Ely Shoshone Tribe's Police Department and/or authorized Tribal authorities will make reasonable efforts to arrange and conduct all City-requested premises checks within ~~twenty-four (24)~~twenty-four (24) hours of being provided written notice of such request by the City. All such written notices shall be sent to the ~~Chief of Police~~White Pine County Sheriff's Office, and the Chairman of the Tribe via email or personal delivery. Should either Party have any concerns arising out of a premises check or the results thereof, the Parties will meet in good faith to discuss any suggested changes to protocols of the premises checks themselves or of marijuana product sales by the Tribe or Tribal Enterprise that were checked.

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2. ~~Compliance Checks/Minors.~~

a. By the Tribe. ~~The Tribe may conduct its own compliance checks in Indian Country using minors ages 18, 19, or 20 through the Walker River Paiute~~Ely Shoshone ~~Tribe Police Department or other authorized agency in accordance with Tribal regulations and policies. To the extent it is informed of the results of such checks, Walker River Paiute~~Ely Shoshone Tribe's Tribal Council will provide the results of the checks to the City. No criminal action may be taken against any minor who purchases marijuana as part of such a compliance

check.

b. ~~By the City, City staff may also conduct compliance checks. Prior to conducting any such compliance check, the City will contact the Walker River PaiuteEly Shoshone Tribe's Police Department or other authorized agency to provide twenty four (24) hours' written notice of such compliance check. The Walker River PaiuteEly Shoshone Tribe's Police Department and/or authorized Tribal authorities must observe and participate in all compliance checks. The City will share the results of such compliance checks with Walker River PaiuteEly Shoshone Tribe's Tribal Council.~~

e. ~~Cooperation. Both Parties will cooperate in good faith to undertake all City requested compliance checks jointly. The Walker River PaiuteEly Shoshone Tribe's Police Department or other authorized agency will make reasonable efforts to arrange and conduct all City requested compliance checks within twenty four (24) hours of being provided written notice of such request by the City. All such written notices shall be sent to the Chief of Police and the Chairman of the Tribe. Should either Party have any concerns arising out of a compliance check or the results thereof, the Parties will meet in good faith to discuss any suggested changes to protocols of the compliance checks themselves or of marijuana sales by the Tribe or Tribal Enterprise that were checked.~~

E. Dispute Resolution.

1. Neither Party, nor officers acting on either Party's behalf, may petition ~~for judicial~~for judicial relief to enforce this Compact unless (a) the dispute resolution process described in subsections 2(a) through 2(d) below has been followed in good faith to completion without successful resolution or (b) ~~the other~~ one Party fails to enter into the dispute resolution process. Should litigation arise under this Compact, the Parties agree as follows:

- (i). The litigation may only take place in the United States District Court for the District of Nevada and any court having appellate jurisdiction thereover;
- (ii). Venue for said litigation shall be the Northern District of the United States District Court of Nevada located in Reno, Nevada, and the Parties hereto are deemed to have waived the right to claim *forum non conveniens* should litigation be filed there; and
- (iii). The Parties waive their sovereign immunity from suit, only in said United States District Court of Nevada and any court having appellate jurisdiction thereover, ~~and only for declaratory and injunctive relief,~~ brought by the Parties hereto, and no other. No waiver of sovereign immunity extends to monetary relief of any kind or nature whatsoever, including, but not limited to, ~~Any~~ award of attorney's fees and costs, which, the Parties also agree, must be borne by each Party, ~~respectively~~.

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Comment [NC4]: We should discuss this. I am not certain why we would want to vary from the State Compact language.

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2. Should a dispute arise between the Parties regarding compliance with this Compact by either Party, or by their officers, employees or agents, the Parties will attempt to resolve the dispute through the following dispute resolution process:

a. Notice. Either Party may invoke the dispute resolution process by notifying the other, in writing, of its intent to do so. The notice must set out the issues in dispute and the notifying Party's position on each issue. ~~Should a dispute arise between the Parties regarding compliance with this Compact by either Party, or by their officers, employees or agents, the Parties will attempt to resolve the dispute through the following dispute resolution process:~~

~~b. Notice. Either Party may invoke the dispute resolution process by notifying the other, in writing, of its intent to do so. The notice must set out the issues in dispute and the notifying Party's position on each issue.~~

~~e.b.~~ Meet and Confer. The first stage of the process will include a face-to-face meeting between representatives of the two Parties to attempt to resolve the dispute by negotiation. The meeting must be convened within thirty (30) days after the receiving Party's receipt of the written notice described in subsection (a). ~~The representatives of each Party the Tribe will come to the meeting with the authority to settle the dispute.~~ The ~~City Parties'~~ representatives shall be required to return to their respective City-Councils for approval of the settlement as required by NRS 241 and Tribal law. If the dispute is resolved, the resolution will be memorialized in a writing signed by the Parties.

~~e.c.~~ Mediation. ~~The second stage of the process will be that if~~ If the Parties are unable to resolve the dispute within sixty (60) days after the receiving Party's receipt of the written notice sent under subsection (a) above, the Parties will engage the services of a mutually agreed upon qualified mediator to assist them in attempting to negotiate the dispute. Costs for the mediator will be borne equally by the Parties. The Parties will pursue the mediation process in good faith until the dispute is resolved or until the mediator determines that the Parties are not able to resolve the dispute. If the Parties cannot agree on a format for the mediation process, the format will be that directed by the mediator. If the dispute is resolved, the resolution will be memorialized by the mediator in a writing signed by the Parties present, with the representatives of the Parties City taking the proposed mediated settlement back before their respective City Councils for approval as required by NRS 241 and Tribal law, at which time, if approved by the City Council and Tribal Council ~~which~~ will bind the Parties.

~~e.d.~~ Arbitration.

(1) If a Party terminates the process before completion, or if the mediator determines that the dispute cannot be resolved in the mediation process, or if the dispute is not resolved within one hundred twenty (120) days after the date the mediator is selected, either Party may initiate binding arbitration proceedings under the rules of the American Arbitration Association ("AAA"), but the AAA need not administer the arbitration. If

the arbitrator determines that a Party is in violation of a material provision of this Compact, and such violation is not or cannot be cured within thirty (30) days after the arbitrator's decision, then the other Party may terminate this Compact with sixty (60) days' prior written notice.

(2) The arbitrator shall have ~~no~~ the authority to award monetary damages and/or issue injunctive or other equitable relief as may be requested by either party.

(3) Each Party will bear its own legal costs incurred under this Section. All costs of the arbitrator will be ~~shared~~ borne equally between the parties.

3. If, at any time after the effective date of this Compact, the City enters into an agreement, Compact, or consent decree with any other federally recognized Indian tribe or governmental agency thereof, of or relating to the regulation of marijuana in Indian Country which includes a "most favored nation" provision, then, upon the Tribe's written request, this Compact will be amended to include such provision. A "most favored nation" provision is defined as language by which the City agrees to accord a tribe or tribal government agency the same favorable terms that are offered in later agreements with any other tribe or tribal government agency. This will not be construed to require that the City of Ely offer the Tribe the option to receive the same terms offered to every tribe or tribal government agency, in the absence of a most favored nation provision in the Compact.

4. In any action filed by a third party challenging either the Tribe's or the City's authority to enter into or enforce this Compact, the Parties each agree to support the Compact and defend each of their legal authority to enter into and implement this Compact; provided, however, that this provision does not waive, and must not be construed as a waiver of, the sovereign immunity of the Tribe or any of its subdivisions or enterprises.

F. Termination. This Compact may be terminated with sixty (60) days' prior written notice that the Tribe is in default if:

1. The City has given the Tribe written notice detailing the claimed default, and granting the Tribe a ~~forty-five (45-day) calendar -day~~ forty-five (45) calendar period to cure the default. If the City determines that the default has been cured or the Tribe has cured the default or is making satisfactory progress toward the cure of the default during the ~~forty-five (45-day) calendar- day~~ forty-five (45) calendar period, the notice of default shall be withdrawn;

2. In the event that the City determines that the Tribe has not cured the default, that satisfactory progress in the cure of the default is not being made by the Tribe, or that it is impossible for the Tribe to cure the default within ~~forty-five (45) calendar~~ forty-five (45) calendar days of the notice of default, then, the City shall give written notice to the Tribe of the City's determination, whereupon, the Tribe may invoke the alternative dispute resolution procedures of subsection G., above, by giving written notice personally served upon the City within ten ~~(10) business days to~~ (10) business days ~~to the City~~ that the alternative dispute process has been invoked by the Tribe. The outcome of the alternative dispute resolution process will determine whether the Compact may be terminated by

Comment [NC5]: Again, we should discuss whether monetary damages should be permitted under this Compact. My client currently is opposed. So, I would like to hear what you have to say about this issue.

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the City, should the alternative dispute process be invoked.

3. Should the Tribe fail or refuse to ~~invoke~~ participate in the alternative dispute resolution process as identified in section V, subsection E above, then, the City's determination to terminate stands.

G. Sovereign Immunity. The City agrees that, except for the limited purpose of resolving disputes in accordance with the terms of this Compact and subsection E-G, above, the signing of this Compact by the Tribe does not imply a waiver of sovereign immunity by the Tribe or any of its subdivisions or enterprises and is not intended as a waiver of sovereign immunity and that any action by the City in regard to marijuana regulation by the Tribe shall be in accord with this Compact. Except as expressly provided otherwise, herein, the Tribe retains its sovereignty and immunity from suit.

H. No Limitation. The Parties agree that the signing of this Compact and the resultant benefits and obligations shall not be construed as limiting any otherwise lawful activity of the Tribe or its subdivisions or enterprises nor subject the Tribe or its subdivisions or enterprises to any City jurisdiction not agreed to in this Compact.

VI. Communication and Notice

A. Designated Contacts. The Parties agree to maintain regular and open communication regarding the administration and implementation of this Compact. The Parties agree that the following individuals will be designated primary contacts regarding administration of this Compact:

For the City: Office of the Mayor
 501 Mill Street
 Ely, NV 89301

For the Tribe: Tribal Chairman
 ~~Walker River Paiute~~ Ely Shoshone Tribe
 16 Shoshone Circle
 Ely, NV 89301

The Parties agree that if either party believes that the goals and objectives of this Compact are not being met, that they will meet promptly to discuss any issues and concerns.

B. Notice. Any notice that may be or is required to be sent under this Compact shall be sent as follows:

If to the City: City Administrator
 501 Mill Street
 Ely, NV 89301

If to the Tribe: Tribal Chairman
~~Walker River Paiute~~ Ely Shoshone Tribe
16 Shoshone Circle
Ely, NV 89301

With a copy to: Tribal Cannabis Consulting
1030 ~~Ee~~. 4th St
Reno, NV 89512

VII. Effect, Duration, and Amendment

A. Term. This Compact shall remain in effect for a term of twenty four months, unless the Parties mutually agree in writing that the Compact should be vacated or terminated and superseded by a new Compact between the Parties within that time frame. The Compact shall be automatically renewed for successive periods of five (5) years, unless a party provides written notice to the other, no later than one hundred twenty (120) days before the expiration of the then current ~~ten~~ five (5) year period that it wishes to modify the terms of the Compact.

B. Amendment. No amendment or alteration of this Compact shall arise by implication or course of conduct. This Compact may be altered only by a subsequent written document, approved by the Parties, expressly stating the Parties' intention to amend this Compact. No Amendment to this Compact shall be effective unless approved by the Ely City Council as required by NRS Chapter 241, NRS Chapter 266 or NRS Chapter 268 or other applicable Nevada Revised Statute, and the Ely's Shoshone Tribal Council as required by Tribal law.

C. Severability. ~~If any provision of this Compact or its application to any person or circumstance is held invalid, the remainder of the Compact is not affected.~~ This Agreement shall be considered under and in accordance with the laws of the State of Nevada, the laws of the Ely Shoshone Tribe, and all obligations of the parties created hereunder are performable in White Pine County, Nevada. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality of unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

D. Change in Classification. If the classification of marijuana as a Schedule I drug is altered in any way or federal marijuana enforcement policy (as described in III, above) changes, the Parties agree to meet and discuss the need to modify this Compact. If such modifications cannot be agreed upon, then either Party may terminate this Compact with sixty (60) calendar days' written notice.

E. Indemnification by the Tribe. In the event that a liability claim arising out of the duties or obligations described in this Compact is filed against the City by a Third Party, the Tribe agrees to defend and hold harmless, and indemnify the City, its respective elected and/or

appointed officers, agents, assigns, employees, volunteers or representatives from any loss or liability resulting from any claim, suit, or action based on bodily injury or property damage caused by the act either direct or passive, the omission, failure to act or negligence on the part of the City, its elected and/or appointed officers, agents, assigns, employees, volunteers or representatives, arising out of the performance by the City under the terms of this Compact. The City shall be required to provide the Tribe with a copy of the Third Party claim filed within ten (10) business days of service of the claim along with a demand to defend the action.

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F. Indemnification by the City. In addition, The City shall defend and hold the Tribe harmless for damages, injuries, losses, expenses or liabilities incurred by the Tribe, its employees, volunteers, agents, and/or assigns from any acts, failure to act, or omissions and shall not seek reimbursement or indemnification from the Tribe if the complained of acts were taken at the specific direction of the City. There shall be no liability between the parties for any losses, expenses, or damages that any other party may sustain as a result of this Compact, in the event that a liability claim arising out of the duties or obligations described in this Compact is filed against the Tribe by a Third Party, the City agrees to defend and hold harmless, and indemnify the Tribe, its respective elected and/or appointed officers, agents, assigns, employees, volunteers or representatives from any loss or liability resulting from any claim, suit, or action based on bodily injury or property damage caused by the act either direct or passive, the omission, failure to act or negligence on the part of the Tribe, its elected and/or appointed officers, agents, assigns, employees, volunteers or representatives, arising out of the performance by the Tribe under the terms of this Compact. The Tribe shall be required to provide the City with a copy of the Third Party claim filed within ten (10) business days of service of the claim along with a demand to defend the action.

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This Compact is hereby made this ____ day of _____, 20178.

CITY OF ELY, NEVADA

~~WALKER RIVER~~ELY SHOSHONE
TRIBE

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Melody Van Camp, Mayor

Chairman

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Attested to by:

Robert Switzer, City Administrator

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2", Left + 2.5", Left + 3", Left + 3.5", Left



City of Ely Fire Department

1780 Great Basin Blvd.
Ely Nv. 89301

Business Phone (775) 289-6633
Fax (775) 289-3122

February 14, 2018

To: Melody Van Camp, Mayor
Ely City Council

Fire Department Call Report: February 3rd thru 14th, 2018

10 Medical Transports

1 Non Transports

1 Jail Check

1 Fire Alarm

13 Total Calls (Reports 18-0056 thru 18-0068)

18-69

PR

Ross Rivera

Fire Chief

Ely Fire Department

Ely Fire Dept

Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equip Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Sat Feb 3, 2018

10:30	FIRE	18-0000056-000	Dispatched & cancelled en route	0.25
-------	------	----------------	---------------------------------	------

Station 1

Unit R3

1 Elysium DR

Staff	Hours	Code	Unit
-------	-------	------	------

02-1986	MCKNIGHT, Craig	0.05 RS	PV
027192	SEDLACEK, Robert	0.05 RS	PV
02-1205	STEINER, David	0.05 OD	R3
17-3212	STEINER, Jeannie C	0.05 RA	R3
16-6764	SWENSON, Matt	0.05 RS	PV

Total Staff: 5

Code	Hours	Count
------	-------	-------

OD	0.05	1
RA	0.05	1
RS	0.15	3

Total of All Codes: 5

Sun Feb 4, 2018

14:45	FIRE	18-0000057-000	EMS call, excluding vehicle accident with	5.52
-------	------	----------------	-------------------------------------------	------

Station 1

Unit R3

injury
1213 Avenue E AVE

Staff	Hours	Code	Unit
-------	-------	------	------

11-6982	MANGUM-MCARDLE, Misty	0.92 MX	PV
02-1986	MCKNIGHT, Craig	0.92 RS	PV
02-4825	RIVERA, Ross	0.92 MX	PV
02-1205	STEINER, David	0.92 OD	R3
17-3212	STEINER, Jeannie C	0.92 RA	R3
14-2162	TALLERICO, Ben	0.92 PV	PV

Total Staff: 6

Code	Hours	Count
------	-------	-------

MX	1.84	2
OD	0.92	1
PV	0.92	1
RA	0.92	1

Ely Fire Dept
Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Sun Feb 4, 2018				
	RS		0.92 1	
	Total of All Codes:		6	

Mon Feb 5, 2018

14:54	FIRE	18-0000058-000	EMS call, excluding vehicle accident with injury	5.04
	Station 1	Unit R3	1003 Lackawanna RD	

Staff		Hours	Code	Unit
02-0157	ALWORTH, Jim	0.72	MX	PV
11-6982	MANGUM-MCARDLE, Misty	0.72	RA	R3
10-7774	O'DONNEL, Marian	0.72	RS	PV
02-4825	RIVERA, Ross	0.72	MX	CC
02-1205	STEINER, David	0.72	OD	R3
17-9443	STEINER, Derek	0.72	PV	PV
17-3212	STEINER, Jeannie C	0.72	RA	R3
Total Staff: 7				

Code	Hours	Count
MX	1.44	2
OD	0.72	1
PV	0.72	1
RA	1.44	2
RS	0.72	1
Total of All Codes:		7

19:13	FIRE	18-0000059-000	EMS call, excluding vehicle accident with injury	4.28
	Station 1	Unit R3	457 Nevada AVE	

Staff		Hours	Code	Unit
02-1986	MCKNIGHT, Craig	1.07	RS	PV
02-4825	RIVERA, Ross	1.07	PV	PV
02-1205	STEINER, David	1.07	OD	R3
17-3212	STEINER, Jeannie C	1.07	RA	R3
Total Staff: 4				

Ely Fire Dept

Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Mon Feb 5, 2018

Code	Hours	Count
OD	1.07	1
PV	1.07	1
RA	1.07	1
RS	1.07	1
Total of All Codes:		4

Tue Feb 6, 2018

08:37	FIRE	18-0000060-000	EMS call, excluding vehicle accident with injury	6.10
Station 1		Unit R3	750 Ely ST	

Staff	Hours	Code	Unit
10-2375	BATH, April	1.22 MX	PV
14-1538	BOTELHO, Bill	1.22 OD	R3
11-6982	MANGUM-MCARDLE, Misty	1.22 MX	R3
02-4825	RIVERA, Ross	1.22 RS	PV
17-3212	STEINER, Jeannie C	1.22 RA	R3
Total Staff:	5		

Code	Hours	Count
MX	2.44	2
OD	1.22	1
RA	1.22	1
RS	1.22	1
Total of All Codes:		5

14:00	OCCUP	705 AULTMAN	INSPECTION - Permit	0.50
Station 1		Unit CC	The Hearing Center, 705 Aultman ST /Suite 1	
Staff			Hours	

14-1538	BOTELHO, Bill	0.50
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22:00	FIRE	18-0000061-000	EMS call, excluding vehicle accident with injury	3.66
Station 1		Unit R3		

Ely Fire Dept

Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Tue Feb 6, 2018

237 Grant AVE

Staff		Hours	Code	Unit
14-1538	BOTELHO, Bill	1.22	OD	R3
02-1986	MCKNIGHT, Craig	1.22	RS	PV
16-6764	SWENSON, Matt	1.22	RA	R3
Total Staff:	3			

Code	Hours	Count
OD	1.22	1
RA	1.22	1
RS	1.22	1
Total of All Codes:		3

Thu Feb 8, 2018

13:35	FIRE	18-0000062-000	Air or gas rupture of pressure or process vessel	3.87
	Station 1	Unit E7	297 11th ST E	

Units: E7, CC, R3

Staff		Hours	Code	Unit
14-1538	BOTELHO, Bill	0.23	OD	CC
02-5977	DOTY, Steve	0.60	FX	PV
13-3043	HILTON, Burton	0.60	FX	PV
02-8308	MANGUM, Pete	0.60	FX	PV
11-6982	MANGUM-MCARDLE, Misty	0.32	RA	R3
02-4825	RIVERA, Ross	0.60	OD	E7
027192	SEDLACEK, Robert	0.60	RS	PV
07-2086	TILBY, Mike	0.32	RA	R3
Total Staff:	8			

Code	Hours	Count
FX	1.80	3
OD	0.83	2
RA	0.64	2

Ely Fire Dept

Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipmt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Thu Feb 8, 2018				
	RS		0.60 1	
	Total of All Codes:		8	

15:57	FIRE	18-0000063-000	EMS call, excluding vehicle accident with injury	3.78
	Station 1	Unit R3	1195 Avenue M AVE	

Staff		Hours	Code	Unit
14-1538	BOTELHO, Bill	0.63	OD	R3
02-5977	DOTY, Steve	0.63	MX	PV
17-9500	KAAMASEE, Steph	0.63	MX	PV
11-6982	MANGUM-MCARDLE, Misty	0.63	RA	R3
10-7774	O'DONNEL, Marian	0.63	RS	PV
02-4825	RIVERA, Ross	0.63	MX	CC
Total Staff: 6				

Code	Hours	Count
MX	1.89	3
OD	0.63	1
RA	0.63	1
RS	0.63	1
Total of All Codes:		6

Sun Feb 11, 2018

12:27	FIRE	18-0000064-000	EMS call, excluding vehicle accident with injury	7.47
	Station 1	Unit R3	501 Aultman ST	

Staff		Hours	Code	Unit
02-0157	ALWORTH, Jim	0.83	RS	PV
10-2375	BATH, April	0.83	MX	PV
13-8127	HANSEN, Donna	0.83	RA	R3
13-3043	HILTON, Burton	0.83	RS	PV
17-9500	KAAMASEE, Steph	0.83	MX	PV
02-1764	NORTH, Brett	0.83	RS	PV
07-3792	RAINEY, Donald G	0.83	MX	PV
02-4825	RIVERA, Ross	0.83	MX	PV

Ely Fire Dept
Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Sun Feb 11, 2018				
02-4684		STORK, Pat	0.83 OD	R3
Total Staff:		9		
Code		Hours	Count	
-----		-----	-----	
MX		3.32	4	
OD		0.83	1	
RA		0.83	1	
RS		2.49	3	
Total of All Codes:			9	
17:34	FIRE	18-0000065-000	Jail Check @ WPSO Public Safety Bldg	0.17
Station 1			1785 Great Basin BLVD	
Staff			Hours Code	Unit
-----			-----	
02-4684		STORK, Pat	0.17 OD	
Total Staff:		1		
Code		Hours	Count	
-----		-----	-----	
OD		0.17	1	
Total of All Codes:			1	
Mon Feb 12, 2018				
15:03	FIRE	18-0000066-000	EMS call, excluding vehicle accident with	3.65
Station 1		Unit R3	injury	
			1701 Great Basin BLVD	
Staff			Hours Code	Unit
-----			-----	
02-9804		KAAMASEE, Chris	0.73 PV	PV
10-7774		O'DONNELL, Marian	0.73 RS	PV
02-4825		RIVERA, Ross	0.73 OD	NA
02-1205		STEINER, David	0.73 OD	R3
17-3212		STEINER, Jeannie C	0.73 RA	R3
Total Staff:		5		
Code		Hours	Count	
-----		-----	-----	

Ely Fire Dept
Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
Mon Feb 12, 2018				
	OD		1.46 2	
	PV		0.73 1	
	RA		0.73 1	
	RS		0.73 1	
	Total of All Codes:		5	

Tue Feb 13, 2018

16:18	FIRE	18-0000067-000	Medical Assist - Assist Patient	1.40
Station 1		Unit R3	1301 Aultman ST	
Staff		Hours	Code	Unit

11-6982		MANGUM-MCARDLE, Misty	0.28 RA	R3
10-7774		O'DONNEL, Marian	0.28 RS	PV
02-4825		RIVERA, Ross	0.28 MX	PV
02-4684		STORK, Pat	0.28 OD	R3
16-6764		SWENSON, Matt	0.28 MX	PV
Total Staff:		5		
Code		Hours	Count	

MX		0.56	2	
OD		0.28	1	
RA		0.28	1	
RS		0.28	1	
Total of All Codes:			5	

Wed Feb 14, 2018

07:20	FIRE	18-0000068-000	EMS call, excluding vehicle accident with injury	2.04
Station 1		Unit R3	1500 Avenue G AVE	
Staff		Hours	Code	Unit

10-7774		O'DONNEL, Marian	0.68 RS	PV
02-4825		RIVERA, Ross	0.68 RA	R3
02-4684		STORK, Pat	0.68 OD	R3
Total Staff:		3		

Ely Fire Dept
Department Journal

02/03/2018 to 02/14/2018

01:00 to 17:00

NFIRS Incidents, EMS/Search & Rescue Incidents, Dispatch/Remote Station Incidents, Departmental Events,
Occupancy Activities, Equipt Maint/Testing, Training Classes, Hydrant Activities

Time	Type	Record Id	Description/Location	Staff Hrs
------	------	-----------	----------------------	-----------

Wed Feb 14, 2018

Code	Hours	Count
OD	0.68	1
RA	0.68	1
RS	0.68	1
Total of All Codes:		3

10:11	FIRE	18-0000069-000	EMS call, excluding vehicle accident with injury	1.40
	Station 1	Unit R3	790 Avenue M AVE	

Staff	Hours	Code	Unit
11-6982	0.70	RA	R3
02-4684	0.70	OD	R3
Total Staff:	2		

Code	Hours	Count
OD	0.70	1
RA	0.70	1
Total of All Codes:		2

Total Entries: 15

Total Staff Hrs: 49.13

February 22, 2018

MAYOR'S REPORT

1. I approved a Special Event license to:

- Ralph Werber III for *KG Mining Bald Mountain* event at the Convention Center from 2-12-18 thru 2-14-18.
- Ely Rotary Club, sponsored by *Ramada Copper Queen*, for a benefit dinner at the Convention Center on February 24, 2018.

Nevada Trial Courts

Criminal Statistics Reporting Disposition Worksheet

Page 1 of 1

Court: Ely Municipal Court

Court ID: M071701

Date: Jan-2018

MMM YYYY

Justice (cont'd)/Municipal Court Case Types - Misdemeanors (Dictionary p. 1-6)

Criminal Case Dispositions (Dictionary p. 13-16)

Crimes Against Persons	Domestic Violence	Elder Abuse	Protection Order Violations	Crimes Against Property	Drugs	Weapons	Public Order	Other Non-Traffic Misdemeanors	Motor Vehicle - DUI	Motor Vehicle - Reckless Driving	Traffic	Parking
------------------------	-------------------	-------------	-----------------------------	-------------------------	-------	---------	--------------	--------------------------------	---------------------	----------------------------------	---------	---------

Non-Trial Dispositions

Bail Forfeitures
Nolle Prosequi (before trial)
Dismissed (before prelm.)
Guilty Pleas with Sentence (before prelm.)
Waiver of Preliminary hearing
Preliminary Hearing
Dismissed (during prelm.)
Guilty Pleas with Sentence (during prelm.)

0	0	0	0	0	0	0	2	0	0	0	35	1
0	0	0	0	0	0	0	0	0	0	0	0	0

Bindover
Dismissed (after diversion)
Dismissed (before trial)
Guilty Plea with Sentence (before trial)
Transferred (before/during trial)
TOTAL NON-TRIAL DISPOSITIONS

0	0	0	0	0	0	0	0	0	0	0	0	0
0	1	0	0	1	0	0	0	0	0	0	13	2
0	2	0	0	3	1	0	3	1	0	0	6	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	3	0	0	4	1	0	5	1	0	0	54	3

Trial Dispositions

Bench Trial
Dismissed (during trial)
Acquittal
Guilty Plea with Sentence (during trial)
Conviction
TOTAL BENCH TRIALS

0	0	0	0	0	1	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	1	0	0	0	0	0	0	0

Jury Trials
Dismissed (during trial)
Acquittal
Guilty Plea with Sentence (during trial)
Conviction
TOTAL JURY TRIALS

0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0

Other Manner of Disposition
GRAND TOTAL DISPOSITIONS

0	0	0	0	0	0	0	5	1	0	0	0	0
0	3	0	0	0	5	1	0	5	1	0	54	3

Nevada Trial Courts

Criminal Statistics Reporting Caseload Worksheet

Page 1 of 1

Court: Ely Municipal Court

Court ID: M071701

Date: Jan-2018

MMMM YYYY

Justice (cont'd)/Municipal Court Case Types - Misdemeanors (Dictionary p. 1-6)

Criminal Caseload (Dictionary p. 10-11)

Crimes Against Persons	Domestic Violence	Elder Abuse	Protection Order Violation	Crimes Against Property	Drugs	Weapons	Public Order Other Non-Traffic Misdemeanors	Motor Vehicle - DUI	Motor Vehicle - Reckless Driving	Traffic	Parking
------------------------	-------------------	-------------	----------------------------	-------------------------	-------	---------	---------------------------------------------------	------------------------	-------------------------------------	---------	---------

1. Begin Pending

a. Active

b. Inactive

2. New Filings

a. Charges

3. Reopened

4. Reactivated

5. Dispositions (Entry of Judgment)

a. Original

b. Reopened

6. Placed on Inactive Status

7. End Pending

a. Active

b. Inactive

1	0	0	0	2	1		2	3	1	0	56
1	0	0	0	3	2	0	2	3	1	0	77
0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0
0	3	0	0	5	1	0	5	1	0	0	54
0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0

Nevada Trial Courts

Criminal Statistics Reporting Caseload Worksheet

Page 1 of 1

Court: Ely Municipal Court

Court ID: M071701

Date: Jan-2018

MMM YYYY

Additional Criminal Caseload Statistics (p. 6)

Remanded Cases	0
Aggressive Driving Charges	0
Graffiti Charges	0
Bench Trials	0
Jury Trials	0

Death Penalty (Rule 250) Statistics

NOI to Seek Death Penalty Filed	0
NOI Withdrawn	0
Death Penalty Imposed	0

Additional Criminal Proceedings (p. 7-9)

Extraordinary Writs	0
Search Warrants Requests	0
Probable Cause Findings/Hearings	0
Extradition Hearings	0
Coroner's Inquest Hearings	0
72-Hour Hearings	7
Arraignment Hearings	19
Preliminary Hearings	0
Sentencing Hearings	16
Grand Jury Proceedings	0
Post-Adjudication case Activity	
Request for Modification of Sentence	0
Revocation Hearing	0
Post Conviction Relief	0

Preliminary Hearing Continuances

Court Need	0
Prosecution Request	0
Defendant Request (<i>pro per</i>)	0
Defense Attorney Request	0
Other	0
Total Prelim Hearing Continuances	0

Trial Continuances

Court Need	0
Prosecution Request	0
Defendant Request (<i>pro per</i>)	0
Defense Attorney Request	0
Other	0
Total Trial Continuances	0

Prepared by: Linnea Prenal

Approved by: Michael Coster

Chief Judge

Civil Statistics Reporting Disposition Worksheet

Court: Ely Municipal Court

Court ID: M071701

Prepared by: Linnea Prengel

Date: Jan - 2018

Approved by: Michael Costen

MMMM YYYYY

Chief Judge

Civil Manner of Disposition
(Dictionary p. 33-35)

Non-Trial Dispositions

Other Manner of Disposition

Total Non-Trial Dispositions

Non-Jury (bench) Trial Dispositions

Total Bench (Non-Jury) Trial Dispositions

Jury Trial Dispositions

Total Jury Trial Dispositions:

Protection Orders Dispositions

Total Protection Orders Dispositions

Grand Total Dispositions

[illegible]

Nevada Trial Courts

Civil Statistics Reporting Caseload Worksheet

Page 1 of 1

Court: Ely Municipal Court

Court ID:

M071701

Date: Jan - 2018

MM YYYY

Prepared by:

Linnea Pregel

Approved by:

Michael Coster
Chief Judge

Justice/Municipal Court Case Types - Civil (Dictionary, p. 25-27)

Civil Caseload (Dictionary p. 29-31)	Real Property Case			Tort Case			Contract Case				Protection Orders								
	Landlord/Tenant Case (Summary Eviction)	Unlawful Detainer Complaint (Writs of Restitution)	Other Real Property Case	Auto Negligence Case	Premises Liability Case	Other Negligence Case	Intentional Misconduct Case	Other Tort Case	Credit Card Collection Case	Payday Loan Collection Case	Debt Collection Agency Case	Other Debt Collection Case	Contract Buyer Plaintiff Case	Other Contract Case	Contested Liens Case	Other Civil Matters	Small Claims Case	Request for DV Protection Order	Request for Protection Order (Non-DV)
1 Begin Pending																			
a Active																			
b Inactive																			
2 New Filings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
3 Reopened	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
4 Reactivated	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
5 Dispositions (Entry of Judgment)																			
a Original	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
b Reopened	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
6 Placed on Inactive Status	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
7 End Pending																			
a Active																			
b Inactive																			
Set for Review	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		

Additional Civil Caseload Statistics (Dictionary, p. 28-29)

Justice Courts Only		
0	Civil Writs (Related to an existing case)	0
0	Remitted/Remanded Civil Cases	0
0	Jury Trials	0
0	Non-Jury (Bench) Trials	0
0	Satisfaction of Judgment	0
0	Inmate Requests/Filings	0
0	Contempt and Preliminary Injunctions	0
0	Renewal of Judgment	0
0	Orders to Seal Records	0
	Sexual Assault Protection Order	
	Request for Extended DV Protection Orders	
	Request for Extended Protection Orders (Non-DV)	



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Charles H. Odgers, Esq.
City Attorney

Re: Notice of Meeting of the City Council to consider your character, alleged misconduct, professional competence, or health

Dear Mr. Odgers:

In connection with other financial measures the City is contemplating, the Ely City Council may consider your character, alleged misconduct, professional competence or health at its meeting on February 22, 2018 at 5:00 pm at the Volunteer Fire Hall, located at 499 Mill Street, Ely, NV 89301. The meeting is a public meeting, and you are welcome and invited to attend. The Council may consider the following general topics: the projected shortfall in the General Fund and a possible 5 percent reduction in your wages. You may have an attorney or other representative of your choosing present during the meeting, you may present live testimony to the Council, written evidence to the Council, and present witnesses pertaining to your character, alleged misconduct, professional competence or physical or mental health to the Council.

If the Council determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health in the open meeting, it may also take administrative action against you at this meeting without further written notification. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033.

Sincerely,

Marion "Sam" Hanson
City Councilman Seat 5

cc: Mayor, City Council

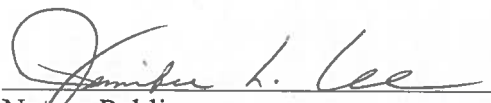
PROOF OF SERVICE

I, Jolene Gardner, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.033, I served the foregoing Notice of Meeting of the City Council to consider the projected shortfall in the General Fund and a possible 5 percent reduction in your wages by personally serving it on Charles H. Odgers, Esq. at 11.50 AM, Ely, NV 89301 on this 14 day of Feb, 2018.


Jolene Gardner

State of Nevada)
) ss:
White Pine County)

Signed and sworn to (or affirmed) before me by
Jolene Gardner on this 14th day of February, 2018.


Notary Public

Commission Expires 8-10-21



Appointed Officials
5% Reduction in Salary

Employee	Base Salary	1.45%	1.2% on	8.4%/15.43%	25% Current Expense to General Fund	25% Current	25% Proposed	Savings to General Fund
		Medicare	\$30,500 SUTA	on \$36,000 Work Comp		PERS	Total Cost	
Robert Switzer	83,740.00	1,214.23	366.00	3,024.00	23,447.20	111,791.43	27,947.86	27,947.86
Janette Trask	50,000.00	725.00	366.00	3,024.00	14,000.00	68,115.00	17,028.75	17,028.75
Charles Odgers	107,625.00	1,560.56	366.00	3,024.00	30,135.00	142,710.56	35,677.64	35,677.64
Ross Rivera	70,437.55	1,021.34	366.00	5,554.80	28,527.21	105,906.90	105,906.90	105,906.90
						428,523.89	107,130.97	186,561.15
								177,656.26
								8,904.89

Employee	Base Salary	5%	New Base Salary	1.45%	1.2% on	8.4%/15.43%	25% Current Expense to General Fund	25% Proposed
		Reduction in Base Salary		Medicare	\$30,500 SUTA	on \$36,000 Work Comp		Expense to General Fund
Robert Switzer	83,740.00	4,187.00	79,553.00	1,153.52	366.00	3,024.00	22,274.84	106,371.36
Janette Trask	50,000.00	2,500.00	47,500.00	688.75	366.00	3,024.00	13,300.00	64,878.75
Charles Odgers	107,625.00	5,381.25	102,243.75	1,482.53	366.00	3,024.00	28,628.25	135,744.53
Ross Rivera	70,437.55	3,521.88	66,915.67	970.28	366.00	5,554.80	27,100.85	100,907.60
							407,902.24	101,975.56



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Charles Odgers
501 Mill Street
Ely, NV 89301

Re: Notice of meeting to consider administrative action against person.

Dear Mr. Odgers:

This letter is intended to provide formal written notice pursuant to NRS 241.034 that the City Council will hold its regular meeting on February 22, 2018 and during that meeting the City Council will consider the following topic:

1. Councilman Carson – Councilman DeFelice – Discussion/For Possible Action – Approval to reduce City Attorney Charles H. Odgers' salaries and wages by twenty-five percent (25%). Total reduction in base salary would be \$26,906.25.

The details of the meeting are as follows:

Date: February 22, 2018
Time: 5:00 p.m.
Location: Ely Volunteer Fire Hall, 499 Mill Street, Ely, Nevada 89301

Sincerely,

Kurt Carson
Ely City Council Seat 2

Tony DeFelice
Ely City Council Seat 3

Received by:

Charles Odgers

Date:

2/13/18

PROOF OF SERVICE

I, Tony DeFelice, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.034, I served the foregoing Notice of Meeting of the Ely City Council to consider administrative action against person.

XX By personally serving it on Charles Odgers at 3:45 PM on 2.13.18
Time & Date

By depositing it in the U.S. Mail, postage prepaid, certified mail no. _____
addressed to Charles Odgers at _____ on this _____ day of _____, 2018.

Tony DeFelice
Signature of person making service, Tony DeFelice

State of Nevada)
ss:
White Pine County)

Signed and sworn to (or affirmed) before me by Tony DeFelice
(Name)
on 2-13-18
(date)



Jennifer L. Lee
Notary Public

Appointed Officials
25% Reduction in Salary

Employee	Base Salary	1.45% Medicare	1.2% on \$30,500 SUTA	8.4% on \$36,000 Work Comp	28.0% PERS	Total Cost	25% Current Expense to GF,LF,Wrt,Sew
Robert Switzer	83,740.00	1,214.23	366.00	3,024.00	23,447.20	111,791.43	27,947.86
Charles Odgers	107,625.00	1,560.56	366.00	3,024.00	30,135.00	142,710.56	35,677.64
						254,501.99	63,625.50

Employee	Base Salary	25% Reduction in Base Salary	New Base Salary	1.45% Medicare	1.2% on \$30,500 SUTA	8.4% on \$36,000 Work Comp	28.0% PERS	Total Cost	25% Proposed Expense to GF,LF,Wrt,Sew
Robert Switzer	83,740.00	20,935.00	62,805.00	910.67	366.00	3,024.00	17,585.40	84,691.07	21,172.77
Charles Odgers	107,625.00	26,906.25	80,718.75	1,170.42	366.00	3,024.00	22,601.25	107,880.42	26,970.11
		47,841.25						192,571.49	48,142.87

25% Current Expense to GF,LF,Wrt,Sew	25% Proposed Expense to GF,LF,Wrt,Sew	Savings to all Funds
27,947.86	21,172.77	6,775.09
35,677.64	26,970.11	8,707.54
63,625.50	48,142.87	15,482.62

**BILL NO. 2018-01
ORDINANCE NO. 708**

An Ordinance Amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections to remain in effect so long as there exists an Inter-local Agreement for Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes, not repugnant to the Constitution of the United State, the Constitution of the State of Nevada or Nevada Revised Statutes; and

WHEREAS, the City has the legal authority to enter into Inter-Local Agreements with other governmental agencies for the provision of governmental services (see NRS 277.045 and/or NRS 277.180); and

WHEREAS, on or about _____ the City Council and the White Pine County Commission entered into an Inter-Local Agreement for Elections, on file with both the City Clerk and the County Clerk, wherein the County Clerk would conduct all City elections pursuant to NRS 293C.115; and

WHEREAS, pursuant to NRS 293C.115, the City is required to adopt, by ordinance, primary and general election dates compliant with the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 for purposes of conducting primary city elections and general city elections of the city; and

WHEREAS, NRS 193C.115(3) also allows for the one time extension of the terms of offices of the incumbents in order to change the election cycle from odd-numbered years to even numbered years.

NOW, THEREFORE, the City Council of the City of Ely DOES ENACT THIS AMENDMENT TO ELY CITY CODE TITLE 1, CHAPTER 8, AS FOLLOWS:

SECTION 1: ORDINANCE ENACTMENT

The provisions contained herein shall become immediately effective if and when the City Council or the Board of County Commissioners decide to terminate the Inter-Local Agreement for elections entered into by the parties on or about _____.

**Chapter 8
ELECTIONS**

1-8-1: CITY COUNCIL ELECTED AT LARGE:

1-8-2: VOTING AT LARGE:

1-8-3: DESIGNATION OF POLLING PLACES:

1-8-4: PRIMARY ELECTION:

1-8-5: GENERAL ELECTION:

1-8-6: POPULAR ELECTION:

1-8-7: AFFIDAVIT OF CANDIDACY; FILING FEES:

1-8-8: PLACEMENT ON GENERAL ELECTION BALLOT:

1-8-9: REGISTRY AGENT; REGISTRATION; PUBLICATION OF LIST:

1-8-10: NOTICE OF REGISTRATION PERIOD:

1-8-11: ELIGIBILITY TO VOTE:

1-8-12: ABSENTEE VOTING:

1-8-13: ELECTION BOARDS:

1-8-1: CITY COUNCIL ELECTED AT LARGE:

Any person desiring to serve in the capacity of city councilman shall, if qualified for office pursuant to the provisions of state law, be entitled to run for office, regardless of where such person may live within the city limits. (Ord. 509, 3-29-1996)

1-8-2: VOTING AT LARGE:

All councilmen of the city shall be elected by the voters of the city at large. (Ord. 509, 3-29-1996)

1-8-3: DESIGNATION OF POLLING PLACES:

A. City Clerk To Designate: The city clerk may designate any building, public or otherwise, or any portion of such building as the site for any polling place for the precincts in the city.

B. Two Or More Polling Places In Same Building: If, in the opinion of the city clerk, the convenience and comfort of the voters and election officials will be best served by putting two (2) or more polling places in any building, or if, in the opinion of the city clerk, the expense to the city for polling places can be diminished by putting two (2) or more polling places in any such building, he may so provide.

C. Renting Of Locations: In precincts where there are no public buildings or other appropriate locations owned by the state, county, township or city, privately owned locations shall be rented at a rate not to exceed fifty dollars (\$50.00) for each location for each election. (Prior code § 7-7; amd. 2001 Code)

1-8-4: PRIMARY ELECTION:

A primary election shall be held on the first Tuesday after the first Monday in April 2007, and every two (2) years thereafter on the same date. On the first Tuesday after the first Monday, commencing in May 1981, and every four (4) years thereafter, there shall be nominated three (3) candidates for the office of councilman for a term of four (4) years. (Prior code § 7-8; amd. 2001 Code; Ord. 616, 3-8-2007)

On the first Tuesday after the first Monday in May 1979, and every four (4) years thereafter, there shall be nominated candidates for the offices of mayor and two (2) councilman for a term of four (4) years. (Prior code § 7-8; amd. 2001 Code)

1-8-5: GENERAL ELECTION:

A general city election shall be held on the first Tuesday after the first Monday in June 1979, and every two (2) years thereafter on the same date. On the first Tuesday after the first Monday in June 1981, and every four (4) years thereafter, there shall be elected three (3) candidates for the office of councilman for a term of four (4) years.

On the first Tuesday after the first Monday in June 1979, and every four (4) years thereafter, there shall be elected candidates for the offices of mayor and two (2) councilmen for a term of four (4) years. (Prior code § 7-9; amd. 2001 Code)

1-8-6: POPULAR ELECTION:

All candidates for mayor and councilmen at the general city election shall be voted upon by the electors of the city at large. (Prior code § 7-10; amd. 2001 Code)

1-8-7: AFFIDAVIT OF CANDIDACY; FILING FEES:

A. **Deadline For Filing:** Candidates for the offices of mayor and councilmen to be voted for at the primary election shall file a declaration of candidacy with the city clerk not less than sixty (60) nor more than seventy (70) days before the day of primary election.

B. **Filing Fee:** The city clerk shall charge and collect from each candidate, and each candidate shall pay to the city clerk at the time of filing the declaration of candidacy, a filing fee.

1. **Mayor:** For the office of mayor the fee shall be twenty five dollars (\$25.00);
2. **Councilman:** For the office of councilman, the fee shall also be twenty five dollars (\$25.00).

All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city. (Prior Code § 7-11; amd. 2001 Code)

1-8-8: PLACEMENT ON GENERAL ELECTION BALLOT:

A. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of Nevada Revised Statutes section 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

B. If at five o'clock (5:00) P.M. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

C. Except as otherwise provided in subsection B of this section, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election. (2001 Code).

1-8-9: REGISTRY AGENT; REGISTRATION; PUBLICATION OF LIST:

A. Registry Agent: The county clerk is hereby made ex officio registry agent.

B. Registration: The registration office shall be open regularly from nine o'clock (9:00) A.M. to five o'clock (5:00) P.M., and from seven o'clock (7:00) A.M. to nine o'clock (9:00) P.M., including Saturdays, during the last three (3) days before registration closes, to register the names of all persons applying to the registry agent for registration whose names are not already on the general registry, provided he is satisfied from personal knowledge or from testimony of the applicant for registration under oath (which oath he may administer) that the applicant is entitled to have his or her name registered. The registry entries to be made by the registry agent at the time of registering the names of qualified electors shall be the same as are required under Nevada Revised Statutes sections 293.485 through 293.567, except that reference to the political affiliation of the applicant shall not be required upon the registry card nor upon the sworn statement embodied thereon.

C. Official Registry: Not later than three (3) days before the day on which any regular or special city election is held, the registry agent shall deliver to the city clerk, the official register for the city. (Prior Code § 7-13; amd. Ord. 455, 2-25-1991; 2001 Code)

1-8-10: NOTICE OF REGISTRATION PERIOD:

Except for a special election held pursuant to chapter 306 or 350 of Nevada Revised Statutes:

A. The city clerk of each city shall cause a notice signed by him to be published in a newspaper having a general circulation in the city indicating the day that registration will be closed. If no newspaper is of general circulation in the city, the publication may be made in a newspaper of general circulation in the nearest city in this state.

B. The notice must be published once each week for four (4) consecutive weeks next preceding the close of registration for any election. (2001 Code)

1-8-11: ELIGIBILITY TO VOTE:

Each person who resides within the boundaries of the city at the time of the holding of any city election, and whose name appears upon the official register of voters for the city, is entitled to vote at each special election, primary city election and general city election, and for all officers

to be voted for and on all questions submitted to the people at those elections except as otherwise provided in chapter 266 of Nevada Revised Statutes. (2001 Code)

1-8-12: ABSENTEE VOTING:

Voting by absent electors shall be governed by the provisions of the general election law of the state, as set forth in Nevada Revised Statutes sections 293C.305 through 293C.340, except that application for absent voter's ballots shall be made to the city clerk instead of the county clerk, at any time before five o'clock (5:00) P.M. on the Tuesday preceding the election in which such absentee ballot is to be voted. (Prior Code § 7-17; amd. 2001 Code)

1-8-13: ELECTION BOARDS:

The provisions of sections 293C.220 through 293C.250 Nevada Revised Statutes, governing election boards are hereby adopted by reference as though set forth in full and at length. (2001 Code)

The following provisions shall apply to primary elections and general elections for City Offices beginning in 2020 and to remain in effect so long as there exists an Inter-Local Agreement for Elections between the City of Ely and the White Pine County Commissioners.

Chapter 8 ELECTIONS

1-8-1: PRIMARY AND GENERAL CITY ELECTIONS:

1-8-2: OFFICERS TO BE ELECTED:

1-8-3: POPULAR ELECTION OF MAYOR AND CITY COUNCIL:

1-8-4: ELECTION OF MAYOR AND COUNCIL MEMBERS:

1-8-5: CANDIDATES MUST FILE AFFIDAVIT OF CANDIDACY; FILING FEES:

1-8-6: REGISTRY AGENT; TIMES AND PROCEDURE FOR REGISTRATION; PUBLISHING OF VOTER LISTS:

1-8-7: APPLICABILITY OF STATE ELECTION LAWS; ELECTIONS UNDER COUNCIL CONTROL:

1-8-8: QUALIFICATION, REGISTRATION OF VOTERS:

1-8-9: CITY CLERK DUTIES IN REFERENCE TO BALLOTS:

1-8-10: ABSENTEE VOTING:

1-8-11: ELECTION BOARDS:

1-8-12: ELECTION RETURNS:

1-8-13: CONTEST OF ELECTION:

1-8-14: REGISTRAR OF VOTERS DESIGNATED TO CONDUCT CITY ELECTIONS:

1-8-15: QUALIFICATIONS FOR CANDIDACY FOR MAYOR, CITY COUNCIL MEMBER:

1-8-1: PRIMARY AND GENERAL CITY ELECTIONS:

A. 2019 - An election cycle resulting in a general election will not take place in 2019.

B. 2020 General City Election and thereafter: Commencing in 2020, primary and general city elections shall be held in each even numbered year.

C. City primary or general elections shall comply with the notice requirements of Nevada Revised Statutes section 293C.175(2), as amended from time to time.

1. City primary elections shall be held on the second Tuesday in June before the general election in each even numbered year pursuant to Nevada Revised Statutes section 293.175, as amended from time to time.

2. City general elections shall be held on the first Tuesday after the first Monday of November in each even numbered year pursuant to Nevada Revised Statutes section 293.12755, as amended from time to time.

1-8-2: OFFICERS TO BE ELECTED:

A. Pursuant to NRS 293C.115, beginning with the 2020 General City Election and thereafter:

1. In November 2020, and every four (4) years thereafter, the following officers shall stand for election to serve for a term of four (4) years: the mayor; and the two (2) city council members whose current four (4) year terms end on June 30, 2019, Seat 2 and Seat 4, subject to the provisions of subsection B of this section.

2. In November 2022, and every four (4) years thereafter, the following officers shall stand for election to serve for a term of four (4) years: the three (3) city council members whose current four (4) year terms end on June 30, 2021, Seat 1, Seat 3 and Seat 5, subject to the provisions of subsection B of this section.

B. Expiration of terms of Office; onetime Extensions to terms of Office:

1. Extensions of terms of office for Officers with terms expiring June 30, 2019: The term of all elected officers expiring on June 30, 2019, shall be extended to November 30, 2020.

2. Extensions of terms of office for Officers with terms expiring June 30, 2021: The term of all elected officers expiring on June 30, 2021, shall be extended to November 30, 2022.

1-8-3: POPULAR ELECTION OF MAYOR AND CITY COUNCIL:

A. All candidates for mayor shall be voted upon by the electors of the city at large.

B. All candidates for city council shall be voted upon by the electors of the city at large.

1-8-4: ELECTION OF MAYOR AND COUNCIL MEMBERS:

Qualified electors of the city may vote in any municipal election for mayor or city council member.

1-8-5: CANDIDATES MUST FILE AFFIDAVIT OF CANDIDACY; FILING FEES:

A. Deadline for Filing: Candidates for the offices of mayor and councilmen to be voted for at the primary election shall file a declaration of candidacy with the city clerk no earlier than the first Monday in March of the year in which the election is to be held, but no later than 5 p.m. on the second Friday after the first Monday in March.

B. Filing Fee: The city clerk shall charge and collect from each candidate, and each candidate shall pay to the city clerk at the time of filing the declaration of candidacy, a filing fee.

1. Mayor: For the office of mayor the filing fee shall be twenty five dollars (\$25.00);
2. Councilman: For the office of councilman, the filing fee shall also be twenty five dollars (\$25.00).

All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city.

1-8-6: REGISTRY AGENT; TIMES AND PROCEDURE FOR REGISTRATION; PUBLISHING OF VOTER LISTS:

The White Pine County Clerk is the registrar of voters and is hereby designated ex officio registry agent for the city. The registry entries to be made by the registrar of voters at the time of registering the names of qualified electors shall be the same as are required under Nevada Revised Statutes sections 293C.520 through 293C.545. Not later than three (3) days before the day on which any regular or special city election is held, the registrar of voters shall deliver to the city clerk, a copy of the official register for the city. The city clerk's office will be open for registration of voters as required by NRS 293C.527 as it now exists and as it may change from time to time.

1-8-7: APPLICABILITY OF STATE ELECTION LAWS; ELECTIONS UNDER COUNCIL CONTROL:

All elections held by the city shall be governed by the provisions of the election laws of this state. The conduct and carrying on of all city elections shall be under the control of the city council, and they have opted to contract with the White Pine County for conducting city elections under the direction of the City Clerk and the County Clerk, and to do all other or further things required to carry the same into effect.

1-8-8: QUALIFICATION, REGISTRATION OF VOTERS:

Every person who resides within the exterior boundaries of the city at the time of holding any city election, and whose name appears upon the official register of voters in and for the city, shall have the right to vote at each city election, whether special or general, and for all officers to be voted for and on all questions that may be submitted to the people at any such general or special city elections, except as otherwise provided, and nothing herein shall be so construed as to deny or abridge the power of the city council to provide for a supplemental registration.

1-8-9: CITY CLERK DUTIES IN REFERENCE TO BALLOTS:

A. It shall be the duty of the city clerk to provide the registrar of voters for every election held under this chapter, a certified list of candidates for each seat open for election during that election cycle by 5 pm on the day following the last day to withdraw from the election. The registrar of voters shall be responsible for placing those names on the ballot in compliance with applicable provisions of law.

B. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in NRS 293C.175 (4), those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

C. If at five o'clock (5:00) P.M. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

D. Except as otherwise provided in subsection C of this section, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

1-8-10: ABSENTEE VOTING:

Voting by absent electors shall be governed by the provisions of the general election laws of the state, as set forth in Nevada Revised Statutes sections 293C.305 through 293C.340, except that application for absent voter's ballots shall be made to the County Clerk, at any time before five o'clock (5:00) P.M. on the Tuesday preceding the election in which such absentee ballot is to be voted.

1-8-11: ELECTION BOARDS:

A. Appointment; Publication of Location, Hours and Election Board of Each Polling Place: The registrar of voters shall designate one or more suitable places within the city as a polling place or places and approve appointment of an election board for all polling places. The number of election boards and poll workers will be determined by the registrar of voters. The City Clerk is responsible to ensure an election notice is published in all newspapers of general circulation in the city setting forth the day on which the city election will be held, the hours when the polls will be open, which are hereby fixed from seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M., and the location of each polling place. This notice shall be published in each newspaper at least once a week for two (2) weeks immediately preceding the day of any city election, and a copy of such notice shall be posted in at least three (3) conspicuous places in the city by the City Clerk.

B. Powers; Compensation for Services: Election boards shall have authority to resolve all challenges in the manner now provided by the general election laws of the state, as set forth in Nevada Revised Statutes section 293C.292, and may administer oaths for that purpose. The

election boards shall receive such compensation for their services as determined by White Pine County.

1-8-12: ELECTION RETURNS:

A. The election returns from any primary, special or general city election shall be filed with the registrar of voters, who shall immediately place the same in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with the same until canvassed by the mayor and city council.

B. The mayor and city council shall meet within five (5) days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the registrar of voters pursuant to the then current law, and no person shall have access thereto except on order of a court of competent jurisdiction, or by order of the city council.

C. The registrar of voters, under his/her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first regular meeting in December.

1-8-13: CONTEST OF ELECTION:

A contested election for any city office shall be determined according to the laws of the state regulating proceedings in contested elections in county offices.

1-8-14: REGISTRAR OF VOTERS DESIGNATED TO CONDUCT CITY ELECTIONS:

The White Pine County Clerk is the registrar of voters and shall, by inter-local agreement, conduct the primary, special and general elections for the city.

1-8-15: QUALIFICATIONS FOR CANDIDACY FOR MAYOR, CITY COUNCIL MEMBER:

Candidates for the offices of mayor and city council must possess the following qualifications:

A. Must be an actual and bona fide resident of the city and have been for a period of at least one year preceding the election.

B. Must be a qualified elector, i.e., at least eighteen (18) years of age, a citizen of the United States, a resident of the state for six (6) months prior to the election and have not been denied the right to vote by a court of law or dishonorable discharge from military service, unless the civil rights have been restored.

Section 2. Effective Date. This ordinance shall become effective twenty (20) days after its passage, approval and publication according to law.

Section 3. Proposing Parties. The foregoing ordinance was proposed by Councilmember Jolene Gardner, at the regularly scheduled meeting of the Ely City Council on January 25, 2018, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

Section 4. Notice. Notice of filing of such ordinance was duly given by publication as required by law.

Section 5. Reading. It was read in full at the regular meeting on _____ and adopted by the following vote:

VOTE:

AYES: _____

NAYES: _____

ABSENT: _____

Approved this _____ day of _____, 2018

MELODY VAN CAMP, MAYOR

ATTEST:

ROBERT SWITZER, CITY ADMINISTRATOR

Approved as to form and content:

Charles H. Odgers, Esq., City Attorney

OFFICIAL OPINIONS OF THE ATTORNEY GENERAL

AGO 2005-02 CITIES AND TOWNS; ELECTIONS: NRS 293C.115 does not violate the prohibition contained in Nev. Const. art. 15, § 11 against the legislative creation of an office with a term of more than four years.

Carson City, February 8, 2005

Paul G. Taggart, Fernley City Attorney, 108 North Minnesota Street, Carson City, Nevada 89703

Dear Mr. Taggart:

You have asked a question concerning the constitutionality of NRS 293C.115.

QUESTION

Is NRS 293C.115 constitutional in light of the prohibition contained in Nev. Const. art. 15, § 11 against the legislative creation of an office with a term of more than four years?

ANALYSIS

During the 2003 Legislative Session, the Legislature passed enabling legislation to allow certain cities to change their election dates to coincide with the statewide General Election. Your inquiry is limited to whether the City of Fernley (Fernley) may lawfully hold its next general election in November 2006 and that question turns on whether NRS 293C.115 is a constitutional enactment. NRS 293C.140(1) provides in relevant part:

Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population categories one and two on the first Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. [Emphasis added.]

You have indicated that Fernley is a city whose population is within the two population categories encompassed by NRS 293C.140. Accordingly, but for the exception found in NRS 293C.115, Fernley would be required to hold its general city elections in June of odd-numbered years, or June 2005 in the instant case.

NRS 293C.115 provides in relevant part:

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1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a . . . general city election on:

(a) The dates set forth for . . . general elections pursuant to the provisions of chapter 293 of NRS; . . .

. . . .
3. If a governing body of a city adopts an ordinance pursuant to subsection 1:

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official *holds office until the end of his term and until his successor has been elected and qualified.* [Emphasis added.]

Fernley is an incorporated city to which NRS 293C.115 applies.

You have indicated that Fernley has passed an ordinance pursuant to NRS 293C.115(1) to set its general elections as scheduled in chapter 293 of NRS. NRS 293.12755 provides: "A general election must be held throughout the State on the first Tuesday after the first Monday of November in each even-numbered year." In combination with the requirement of NRS 293C.115(3)(b), the effect of the ordinance is to extend the incumbency of Fernley elected officials from June 2005 to November 2006. You question whether this extension of incumbency conflicts with Nev. Const. art. 15, § 11, which provides in relevant part:

The tenure of any office not herein provided for may be declared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment, *but the legislature shall not create any office the tenure of which shall be longer than four (4) years . . .* [Emphasis added.]

This office has succinctly restated the requirement of the constitutional provision: "[w]here an office is created by the Legislature, the term of such office may not exceed four years." Op. Nev. Att'y Gen. No. 1929—326 (March 15, 1929). An example of a statutory enactment which violated Nev. Const. art. 15, § 11 follows.

In *Davenport v. Harris*, 19 Nev. 222, 223—224 (1885), the court considered a statutory provision which purportedly created a five-year term for

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certain school trustees. The specific language under consideration was, "one trustee shall be elected annually to hold office for three years where there are three trustees, *and for five years where there are five trustees*, or until his successor shall be elected and qualified." [Emphasis added.] The parties and the court acknowledged that the enactment violated Nev. Const. art. 15, § 11:

It is admitted that the provision which declares that the term of trustee shall be five years in boards of five trustees is in conflict with the constitutional prohibition declaring that 'the legislature shall not create any office the term of which shall be longer than four years,'

Accordingly, where the Legislature creates an office with a term of more than four years, the enactment conflicts with the constitutional provision. But the instant case involves an enactment which does not specifically affect the length of the office, which remains at four years. Instead, NRS 293C.115 provides that the incumbents of the subject city offices shall hold over until the November 2006 general city election, as provided by ordinance. This Office had occasion to examine the constitutional provision in a similar context in 1911, as follows.

The four-year tenure of office of the Chairman of the Publicity Commission, Mr. Davis, had elapsed, yet he held over as Chairman for one month after the expiration of his term of office. Mr. Davis subsequently filed his claim for one-months' salary, \$208.33. In interpreting Nev. Const. art. 15, § 11, we stated:

The tenure of the office under consideration was, in unmistakable terms, limited to a period of four years. But it must be borne in mind that *there is a distinction between the tenure of the office and the office itself*. In this instance, the *tenure* was for a period of four years; yet as to *the existence of the office itself*, there was no limitation placed by the legislature, the office continuing to exist after the expiration of the appointment of the Chairman.

Op. Nev. Att'y Gen. No. 1911—24 (July 6, 1911) (emphasis added). We concluded that Mr. Davis's holding over of the office did not constitute a violation of Nev. Const. art. 15, § 11.

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The case of *State ex rel. Harrison v. Menaugh*, 51 N.E. 117 (Ind. 1898), adds weight to the argument that the incumbency-extension provision of NRS 293C.115 is not in conflict with Nev. Const. art. 15, § 11. In *Menaugh*, the court considered a statutory provision which extended the date of an election for township trustees and therefore continued their incumbency past a constitutional four-year term limit. In upholding the constitutionality of the enactment as a valid exercise of legislative power, the court clarified:

Counsel for appellant seem especially to base their contention on section 2 of article 15 of the constitution, which, as we have seen, prohibits the legislature from creating any office the tenure of which shall be longer than four years, and their insistence is that this restriction will prevent the act in question from being upheld. It is manifest, we think, that this contention is wholly untenable. *An examination of the act will readily disclose that it does not profess to create the office of township trustee, nor to extend the term thereof beyond the constitutional limit.* It proceeds upon the theory that the office has been previously created, and it merely declares as the legislative will that the time of holding an election for township trustees, etc., shall be changed from the general election on the first Tuesday after the first Monday in November, 1898, to the general election on the first Tuesday after the first Monday in November, 1900, and on such day 'of every fourth year thereafter.'

See Harrison v. Menaugh, 51 N.E. at 121 (emphasis added). In a subsequent and different case, *citing Menaugh*, the Indiana Supreme Court further explained the difference between a statutory extension of an election and a statutory provision which directly extends the term of the office of an incumbent:

We think the decision in *State ex rel. [sic] v. Menaugh* is controlling in this. Moreover, the general rule is that it is within the province of the Legislature to postpone elections and readjust the commencement of the terms of offices, such as are of legislative creation

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particularly, in which case the incumbents may either hold over, or special elections may be authorized to fill the vacancies thus occasioned until the next general election. Such statutes are not considered in violation of the Constitution, where the object is to regulate the time of holding elections, and not merely to extend the terms of incumbents; but, if the legislative intent is clearly to extend the terms of present incumbents in office, the act will fall under the ban of the constitutional provision. (Citations omitted.)

Spencer et al. v. Knight, 98 N.E. 342, 346 (Ind. 1912) (citations omitted).

NRS 293C.115 does not create an office longer than four years, nor does it directly extend the term of office of incumbent city officers, such as the statute struck down in *Davenport*. Rather, NRS 293C.115 recognizes the permissible four-year terms of city offices, but allows the incumbents to hold over until the next General Election. The statute is clearly aimed only at postponing a general city election and, under the above authorities, does not violate the provision of Nev. Const. art. 15, § 11 which prohibits the creation of an office with a term of more than four years. Finally, if any doubt remains as to the constitutionality of the statute, the presumption enunciated in *Citizens for Honest & Responsible Government v. Heller*, 116 Nev. 939, 11 P.3d 121 (2000), comes into play to support NRS 293C.115's constitutionality: "An act is presumed to be constitutional and will be upheld unless the violation of constitutional principles is clearly apparent." *Id.* at 946 (citations omitted).

CONCLUSION

NRS 293C.115 does not violate the prohibition contained in Nev. Const. art. 15, § 11 against the legislative creation of an office with a term of more than four years.

Sincere regards,

BRIAN SANDOVAL
Attorney General

By: JAMES T. SPENCER
Senior Deputy Attorney General

**BILL NO. 2018-01
ORDINANCE NO. 708**

An Ordinance Amending City Code Title 1, Chapter 8 Elections by replacing the current version of Title 1, Chapter 8 based upon the Inter-Local Agreement for Elections with White Pine County, with a completely new version of Title 1, Chapter 8 Elections to remain in effect so long as there exists an Inter-local Agreement for Elections and to provide for the removal of the new version and reinstatement of the original version upon termination of the Inter-Local Agreement.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes, not repugnant to the Constitution of the United State, the Constitution of the State of Nevada or Nevada Revised Statutes; and

WHEREAS, the City has the legal authority to enter into Inter-Local Agreements with other governmental agencies for the provision of governmental services (see NRS 277.045 and/or NRS 277.180); and

WHEREAS, on or about _____ the City Council and the White Pine County Commission entered into an Inter-Local Agreement for Elections, on file with both the City Clerk and the County Clerk, wherein the County Clerk would conduct all City elections pursuant to NRS 293C.115; and

WHEREAS, pursuant to NRS 293C.115, the City is required to adopt, by ordinance, primary and general election dates compliant with the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 for purposes of conducting primary city elections and general city elections of the city; and

WHEREAS, NRS 193C.115(3) also allows for the one time extension of the terms of offices of the incumbents in order to change the election cycle from odd-numbered years to even numbered years.

NOW, THEREFORE, the City Council of the City of Ely DOES ENACT THIS AMENDMENT TO ELY CITY CODE TITLE 1, CHAPTER 8, AS FOLLOWS:

SECTION 1: ORDINANCE ENACTMENT

The provisions contained herein shall become immediately effective if and when the City Council or the Board of County Commissioners decide to terminate the Inter-Local Agreement for elections entered into by the parties on or about _____.

**Chapter 8
ELECTIONS**

1-8-1: CITY COUNCIL ELECTED AT LARGE:

1-8-2: VOTING AT LARGE:
1-8-3: DESIGNATION OF POLLING PLACES:
1-8-4: PRIMARY ELECTION:
1-8-5: GENERAL ELECTION:
1-8-6: POPULAR ELECTION:
1-8-7: AFFIDAVIT OF CANDIDACY; FILING FEES:
1-8-8: PLACEMENT ON GENERAL ELECTION BALLOT:
1-8-9: REGISTRY AGENT; REGISTRATION; PUBLICATION OF LIST:
1-8-10: NOTICE OF REGISTRATION PERIOD:
1-8-11: ELIGIBILITY TO VOTE:
1-8-12: ABSENTEE VOTING:
1-8-13: ELECTION BOARDS:

1-8-1: CITY COUNCIL ELECTED AT LARGE:

Any person desiring to serve in the capacity of city councilman shall, if qualified for office pursuant to the provisions of state law, be entitled to run for office, regardless of where such person may live within the city limits. (Ord. 509, 3-29-1996)

1-8-2: VOTING AT LARGE:

All councilmen of the city shall be elected by the voters of the city at large. (Ord. 509, 3-29-1996)

1-8-3: DESIGNATION OF POLLING PLACES:

A. City Clerk To Designate: The city clerk may designate any building, public or otherwise, or any portion of such building as the site for any polling place for the precincts in the city.

B. Two Or More Polling Places In Same Building: If, in the opinion of the city clerk, the convenience and comfort of the voters and election officials will be best served by putting two (2) or more polling places in any building, or if, in the opinion of the city clerk, the expense to the city for polling places can be diminished by putting two (2) or more polling places in any such building, he may so provide.

C. Renting Of Locations: In precincts where there are no public buildings or other appropriate locations owned by the state, county, township or city, privately owned locations shall be rented at a rate not to exceed fifty dollars (\$50.00) for each location for each election. (Prior code § 7-7; amd. 2001 Code)

1-8-4: PRIMARY ELECTION:

A primary election shall be held on the first Tuesday after the first Monday in April 2007, and every two (2) years thereafter on the same date. On the first Tuesday after the first Monday, commencing in May 1981, and every four (4) years thereafter, there shall be nominated three (3) candidates for the office of councilman for a term of four (4) years. (Prior code § 7-8; amd. 2001 Code; Ord. 616, 3-8-2007)

On the first Tuesday after the first Monday in May 1979, and every four (4) years thereafter, there shall be nominated candidates for the offices of mayor and two (2) councilman for a term of four (4) years. (Prior code § 7-8; amd. 2001 Code)

1-8-5: GENERAL ELECTION:

A general city election shall be held on the first Tuesday after the first Monday in June 1979, and every two (2) years thereafter on the same date. On the first Tuesday after the first Monday in June 1981, and every four (4) years thereafter, there shall be elected three (3) candidates for the office of councilman for a term of four (4) years.

On the first Tuesday after the first Monday in June 1979, and every four (4) years thereafter, there shall be elected candidates for the offices of mayor and two (2) councilmen for a term of four (4) years. (Prior code § 7-9; amd. 2001 Code)

1-8-6: POPULAR ELECTION:

All candidates for mayor and councilmen at the general city election shall be voted upon by the electors of the city at large. (Prior code § 7-10; amd. 2001 Code)

1-8-7: AFFIDAVIT OF CANDIDACY; FILING FEES:

A. Deadline For Filing: Candidates for the offices of mayor and councilmen to be voted for at the primary election shall file a declaration of candidacy with the city clerk not less than sixty (60) nor more than seventy (70) days before the day of primary election.

B. Filing Fee: The city clerk shall charge and collect from each candidate, and each candidate shall pay to the city clerk at the time of filing the declaration of candidacy, a filing fee.

1. Mayor: For the office of mayor the fee shall be twenty five dollars (\$25.00);
2. Councilman: For the office of councilman, the fee shall also be twenty five dollars (\$25.00).

All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city. (Prior Code § 7-11; amd. 2001 Code)

1-8-8: PLACEMENT ON GENERAL ELECTION BALLOT:

A. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of Nevada Revised Statutes section 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

B. If at five o'clock (5:00) P.M. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

C. Except as otherwise provided in subsection B of this section, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election. (2001 Code).

1-8-9: REGISTRY AGENT; REGISTRATION; PUBLICATION OF LIST:

A. Registry Agent: The county clerk is hereby made ex officio registry agent.

B. Registration: The registration office shall be open regularly from nine o'clock (9:00) A.M. to five o'clock (5:00) P.M., and from seven o'clock (7:00) A.M. to nine o'clock (9:00) P.M., including Saturdays, during the last three (3) days before registration closes, to register the names of all persons applying to the registry agent for registration whose names are not already on the general registry, provided he is satisfied from personal knowledge or from testimony of the applicant for registration under oath (which oath he may administer) that the applicant is entitled to have his or her name registered. The registry entries to be made by the registry agent at the time of registering the names of qualified electors shall be the same as are required under Nevada Revised Statutes sections 293.485 through 293.567, except that reference to the political affiliation of the applicant shall not be required upon the registry card nor upon the sworn statement embodied thereon.

C. Official Registry: Not later than three (3) days before the day on which any regular or special city election is held, the registry agent shall deliver to the city clerk, the official register for the city. (Prior Code § 7-13; amd. Ord. 455, 2-25-1991; 2001 Code)

1-8-10: NOTICE OF REGISTRATION PERIOD:

Except for a special election held pursuant to chapter 306 or 350 of Nevada Revised Statutes:

A. The city clerk of each city shall cause a notice signed by him to be published in a newspaper having a general circulation in the city indicating the day that registration will be closed. If no newspaper is of general circulation in the city, the publication may be made in a newspaper of general circulation in the nearest city in this state.

B. The notice must be published once each week for four (4) consecutive weeks next preceding the close of registration for any election. (2001 Code)

1-8-11: ELIGIBILITY TO VOTE:

Each person who resides within the boundaries of the city at the time of the holding of any city election, and whose name appears upon the official register of voters for the city, is entitled to vote at each special election, primary city election and general city election, and for all officers

to be voted for and on all questions submitted to the people at those elections except as otherwise provided in chapter 266 of Nevada Revised Statutes. (2001 Code)

1-8-12: ABSENTEE VOTING:

Voting by absent electors shall be governed by the provisions of the general election law of the state, as set forth in Nevada Revised Statutes sections 293C.305 through 293C.340, except that application for absent voter's ballots shall be made to the city clerk instead of the county clerk, at any time before five o'clock (5:00) P.M. on the Tuesday preceding the election in which such absentee ballot is to be voted. (Prior Code § 7-17; amd. 2001 Code)

1-8-13: ELECTION BOARDS:

The provisions of sections 293C.220 through 293C.250 Nevada Revised Statutes, governing election boards are hereby adopted by reference as though set forth in full and at length. (2001 Code)

The following provisions shall apply to primary elections and general elections for City Offices beginning in 2020 and to remain in effect so long as there exists an Inter-Local Agreement for Elections between the City of Ely and the White Pine County Commissioners.

Chapter 8 ELECTIONS

1-8-1: PRIMARY AND GENERAL CITY ELECTIONS:

1-8-2: OFFICERS TO BE ELECTED:

1-8-3: POPULAR ELECTION OF MAYOR AND CITY COUNCIL:

1-8-4: ELECTION OF MAYOR AND COUNCIL MEMBERS:

1-8-5: CANDIDATES MUST FILE AFFIDAVIT OF CANDIDACY; FILING FEES:

1-8-6: REGISTRY AGENT; TIMES AND PROCEDURE FOR REGISTRATION; PUBLISHING OF VOTER LISTS:

1-8-7: APPLICABILITY OF STATE ELECTION LAWS; ELECTIONS UNDER COUNCIL CONTROL:

1-8-8: QUALIFICATION, REGISTRATION OF VOTERS:

1-8-9: CITY CLERK DUTIES IN REFERENCE TO BALLOTS:

1-8-10: ABSENTEE VOTING:

1-8-11: ELECTION BOARDS:

1-8-12: ELECTION RETURNS:

1-8-13: CONTEST OF ELECTION:

1-8-14: REGISTRAR OF VOTERS DESIGNATED TO CONDUCT CITY ELECTIONS:

1-8-15: QUALIFICATIONS FOR CANDIDACY FOR MAYOR, CITY COUNCIL MEMBER:

1-8-1: PRIMARY AND GENERAL CITY ELECTIONS:

A. 2019 - An election cycle resulting in a general election will not take place in 2019.

B. 2020 General City Election and thereafter: Commencing in 2020, primary and general city elections shall be held in each even numbered year.

C. City primary or general elections shall comply with the notice requirements of Nevada Revised Statutes section 293C.175(2), as amended from time to time.

1. City primary elections shall be held on the second Tuesday in June before the general election in each even numbered year pursuant to Nevada Revised Statutes section 293.175, as amended from time to time.

2. City general elections shall be held on the first Tuesday after the first Monday of November in each even numbered year pursuant to Nevada Revised Statutes section 293.12755, as amended from time to time.

1-8-2: OFFICERS TO BE ELECTED:

A. Pursuant to NRS 293C.115, beginning with the 2020 General City Election and thereafter:

1. In November 2020, and every four (4) years thereafter, the following officers shall stand for election to serve for a term of four (4) years: the mayor; and the two (2) city council members whose current four (4) year terms end on June 30, 2019, Seat 2 and Seat 4, subject to the provisions of subsection B of this section.

2. In November 2022, and every four (4) years thereafter, the following officers shall stand for election to serve for a term of four (4) years: the three (3) city council members whose current four (4) year terms end on June 30, 2021, Seat 1, Seat 3 and Seat 5, subject to the provisions of subsection B of this section.

B. Expiration of terms of Office; onetime Extensions to terms of Office:

1. Extensions of terms of office for Officers with terms expiring June 30, 2019: The term of all elected officers expiring on June 30, 2019, shall be extended to November 30, 2020.

2. Extensions of terms of office for Officers with terms expiring June 30, 2021: The term of all elected officers expiring on June 30, 2021, shall be extended to November 30, 2022.

1-8-3: POPULAR ELECTION OF MAYOR AND CITY COUNCIL:

A. All candidates for mayor shall be voted upon by the electors of the city at large.

B. All candidates for city council shall be voted upon by the electors of the city at large.

1-8-4: ELECTION OF MAYOR AND COUNCIL MEMBERS:

Qualified electors of the city may vote in any municipal election for mayor or city council member.

1-8-5: CANDIDATES MUST FILE AFFIDAVIT OF CANDIDACY; FILING FEES:

A. Deadline for Filing: Candidates for the offices of mayor and councilmen to be voted for at the primary election shall file a declaration of candidacy with the city clerk no earlier than the first Monday in March of the year in which the election is to be held, but no later than 5 p.m. on the second Friday after the first Monday in March.

B. Filing Fee: The city clerk shall charge and collect from each candidate, and each candidate shall pay to the city clerk at the time of filing the declaration of candidacy, a filing fee.

1. Mayor: For the office of mayor the filing fee shall be twenty five dollars (\$25.00);

2. Councilman: For the office of councilman, the filing fee shall also be twenty five dollars (\$25.00).

All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city.

1-8-6: REGISTRY AGENT; TIMES AND PROCEDURE FOR REGISTRATION; PUBLISHING OF VOTER LISTS:

The White Pine County Clerk is the registrar of voters and is hereby designated ex officio registry agent for the city. The registry entries to be made by the registrar of voters at the time of registering the names of qualified electors shall be the same as are required under Nevada Revised Statutes sections 293C.520 through 293C.545. Not later than three (3) days before the day on which any regular or special city election is held, the registrar of voters shall deliver to the city clerk, a copy of the official register for the city. The city clerk's office will be open for registration of voters as required by NRS 293C.527 as it now exists and as it may change from time to time.

1-8-7: APPLICABILITY OF STATE ELECTION LAWS; ELECTIONS UNDER COUNCIL CONTROL:

All elections held by the city shall be governed by the provisions of the election laws of this state. The conduct and carrying on of all city elections shall be under the control of the city council, and they have opted to contract with the White Pine County for conducting city elections under the direction of the City Clerk and the County Clerk, and to do all other or further things required to carry the same into effect.

1-8-8: QUALIFICATION, REGISTRATION OF VOTERS:

Every person who resides within the exterior boundaries of the city at the time of holding any city election, and whose name appears upon the official register of voters in and for the city, shall have the right to vote at each city election, whether special or general, and for all officers to be voted for and on all questions that may be submitted to the people at any such general or special city elections, except as otherwise provided, and nothing herein shall be so construed as to deny or abridge the power of the city council to provide for a supplemental registration.

1-8-9: CITY CLERK DUTIES IN REFERENCE TO BALLOTS:

A. It shall be the duty of the city clerk to provide the registrar of voters for every election held under this chapter, a certified list of candidates for each seat open for election during that election cycle by 5 pm on the day following the last day to withdraw from the election. The registrar of voters shall be responsible for placing those names on the ballot in compliance with applicable provisions of law.

B. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in NRS 293C.175 (4), those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

C. If at five o'clock (5:00) P.M. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

D. Except as otherwise provided in subsection C of this section, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

1-8-10: ABSENTEE VOTING:

Voting by absent electors shall be governed by the provisions of the general election laws of the state, as set forth in Nevada Revised Statutes sections 293C.305 through 293C.340, except that application for absent voter's ballots shall be made to the County Clerk, at any time before five o'clock (5:00) P.M. on the Tuesday preceding the election in which such absentee ballot is to be voted.

1-8-11: ELECTION BOARDS:

A. Appointment; Publication of Location, Hours and Election Board of Each Polling Place: The registrar of voters shall designate one or more suitable places within the city as a polling place or places and approve appointment of an election board for all polling places. The number of election boards and poll workers will be determined by the registrar of voters. The City Clerk is responsible to ensure an election notice is published in all newspapers of general circulation in the city setting forth the day on which the city election will be held, the hours when the polls will be open, which are hereby fixed from seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M., and the location of each polling place. This notice shall be published in each newspaper at least once a week for two (2) weeks immediately preceding the day of any city election, and a copy of such notice shall be posted in at least three (3) conspicuous places in the city by the City Clerk.

B. Powers; Compensation for Services: Election boards shall have authority to resolve all challenges in the manner now provided by the general election laws of the state, as set forth in Nevada Revised Statutes section 293C.292, and may administer oaths for that purpose. The

election boards shall receive such compensation for their services as determined by White Pine County.

1-8-12: ELECTION RETURNS:

A. The election returns from any primary, special or general city election shall be filed with the registrar of voters, who shall immediately place the same in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with the same until canvassed by the mayor and city council.

B. The mayor and city council shall meet within five (5) days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the registrar of voters pursuant to the then current law, and no person shall have access thereto except on order of a court of competent jurisdiction, or by order of the city council.

C. The registrar of voters, under his/her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first regular meeting in December.

1-8-13: CONTEST OF ELECTION:

A contested election for any city office shall be determined according to the laws of the state regulating proceedings in contested elections in county offices.

1-8-14: REGISTRAR OF VOTERS DESIGNATED TO CONDUCT CITY ELECTIONS:

The White Pine County Clerk is the registrar of voters and shall, by inter-local agreement, conduct the primary, special and general elections for the city.

1-8-15: QUALIFICATIONS FOR CANDIDACY FOR MAYOR, CITY COUNCIL MEMBER:

Candidates for the offices of mayor and city council must possess the following qualifications:

A. Must be an actual and bona fide resident of the city and have been for a period of at least one year preceding the election.

B. Must be a qualified elector, i.e., at least eighteen (18) years of age, a citizen of the United States, a resident of the state for six (6) months prior to the election and have not been denied the right to vote by a court of law or dishonorable discharge from military service, unless the civil rights have been restored.

Section 2. Effective Date. This ordinance shall become effective twenty (20) days after its passage, approval and publication according to law.

Section 3. Proposing Parties. The foregoing ordinance was proposed by Councilmember Jolene Gardner, at the regularly scheduled meeting of the Ely City Council on January 25, 2018, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

Section 4. Notice. Notice of filing of such ordinance was duly given by publication as required by law.

Section 5. Reading. It was read in full at the regular meeting on _____ and adopted by the following vote:

VOTE: **AYES:** _____

NAYES: _____

ABSENT: _____

Approved this _____ day of _____, 2018

MELODY VAN CAMP, MAYOR

ATTEST:

ROBERT SWITZER, CITY ADMINISTRATOR

Approved as to form and content:

Charles H. Odgers, Esq., City Attorney

BILL NO. 2018-02
ORDINANCE NO. 709

An Ordinance Amending City Code Title 12, Chapter 14, Section 1 titled Home Occupations, to remove the annual home occupancy permit fee and amend the one-time home occupation permit application fee and remove the ability of the City Council to amend these fees by resolution.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes; and

WHEREAS, N.R.S. 268.095et seq. authorizes the City Council “fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits”; and

WHEREAS, pursuant to the express power to fix, impose and collect a business license fee, the City is prospectively amending Title 12, Chapter 14, Section 1 to remove the annual fee of \$75.00 in addition to the regular business license fee charged to current operators of businesses with a home occupancy permit; and

WHEREAS, the City Council, pursuant to its express power is affirmatively deciding to make this change prospectively, and not authorize or grant any refunds to any person who may have been billed for both a home occupancy permit and a regular business license prior to the passage of this Ordinance.

NOW, THEREFORE, the City Council of the City of Ely DOES AMEND ELY CITY CODE TITLE 12, CHAPTER 14, SECTION 1, AS FOLLOWS:

SECTION 1: ORDINANCE ENACTMENT

12-14-1: CRITERIA FOR APPROVAL:

Occupations operated entirely within dwellings or accessory buildings¹ by a person who owns and resides in the dwelling unit as a clearly secondary and incidental use of such dwelling for residential purposes, which use must not change the residential character thereof shall meet the following conditions:

- A. Retail Sales: There shall be no retail sales, except those produced on the premises used in the completion of the occupation.
- B. Commercial Industry: There shall be no obvious commercial industry.
- C. Open Storage: There shall be allowed no open storage of materials or waste associated with the business.

D. Traffic: The home occupation shall not generate vehicular traffic measurable in excess of that normally associated with single-family residential use.

E. Floor Space: Not more than one room or twenty percent (20%) of the floor space of the living area, whichever is greater, shall be used for the home occupation².

F. Signs: There may be a nonflashing sign not exceeding two (2) square feet in area indicating the name and/or occupation of a person residing in or legally occupying the premises or indicating a home occupation legally existing on the premises.

G. Objectionable Characteristics: There shall be created no objectionable noise, odor, dust, vibration, fumes, smoke, or electrical interference with the residential use of adjacent properties.

H. Annual Review: ~~All~~ home occupations ~~will~~ may be reviewed annually. (~~Ord. 410, 8-25-1986~~)

I. Home Occupation Application Fee: All home occupation applications shall be accompanied by an initial fee of ~~seventy~~ twenty five dollars (\$~~75~~ 25.00) ~~to cover the expenses of processing the application.~~

~~J. Annual Renewal Fee: In addition to the annual review as noted in subsection H of this section, the holder of a home occupation permit shall pay an annual renewal fee of fifty dollars (\$50.00).~~

~~K. Alterations To Fees: The city council may amend, alter, increase or decrease the fees noted in this chapter by resolution. (Ord. 649, 10-13-2011)~~

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: Operations allowed in accessory buildings only with approval of commission.

Footnote 2: Operations allowed in accessory buildings only with approval of commission.

All other provisions of Section 12-14-1 not specifically amended herein shall remain unchanged.

Section 2. Effective Date. This ordinance shall become effective twenty (20) days after its passage, approval and publication according to law.

Section 3. Proposing Parties. The foregoing ordinance was proposed by Councilmember Marion Sam Hanson, at the regularly scheduled meeting of the Ely City Council on January 25, 2018, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

Section 4. Notice. Notice of filing of such ordinance was duly given by publication as required by law.

Section 5. Reading. It was read in full at the regular meeting on _____
and adopted by the following vote:

VOTE: **AYES:** _____

NAYES: _____

ABSENT: _____

Approved this _____ day of _____, 2018

MELODY VAN CAMP, MAYOR

ATTEST:

ROBERT SWITZER, CITY ADMINISTRATOR

Approved as to form and content

Charles H. Odgers, Esq. City Attorney



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Ross Rivera
City Fire Chief

Re: Notice of Meeting of the City Council to consider your character, alleged misconduct, professional competence, or health

Dear Chief Rivera:

In connection with other financial measures the City is contemplating, the Ely City Council may consider your character, alleged misconduct, professional competence or health at its meeting on February 22, 2018 at 5:00 pm at the Volunteer Fire Hall, located at 499 Mill Street, Ely, NV 89301. The meeting is a public meeting, and you are welcome and invited to attend. The Council may consider the following general topics: the projected shortfall in the General Fund and a possible 5 percent reduction in your wages. You may have an attorney or other representative of your choosing present during the meeting, you may present live testimony to the Council, written evidence to the Council, and present witnesses pertaining to your character, alleged misconduct, professional competence or physical or mental health to the Council.

If the Council determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health in the open meeting, it may also take administrative action against you at this meeting without further written notification. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033.

Sincerely,

Marion "Sam" Hanson
City Councilman Seat 5

cc: Mayor, City Council

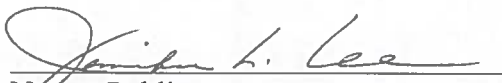
PROOF OF SERVICE

I, Jolene Gardner, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.033, I served the foregoing Notice of Meeting of the City Council to consider the projected shortfall in the General Fund and a possible 5 percent reduction in your wages by personally serving it on Ross Rivera at 9:45 A.M. Ely, NV 89301 on this 14 day of Feb, 2018.


Jolene Gardner

State of Nevada)
) ss:
White Pine County)

Signed and sworn to (or affirmed) before me by
Jolene Gardner on this 14th day of February, 2018.


Notary Public

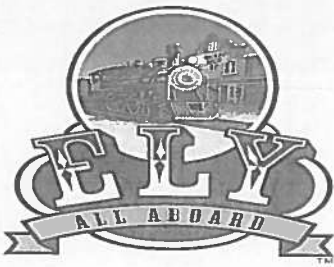
Commission Expires 8-10-21



Appointed Officials
5% Reduction in Salary

Employee	Base Salary	1.45% Medicare	1.2% on \$30,500 SUTA	8.4%/15.43% on \$36,000 Work Comp	28.0%/40.5% PERS	Total Cost	25% Current Expense to General Fund	25% Proposed Expense to General Fund	Savings to General Fund
Robert Switzer	83,740.00	1,214.23	366.00	3,024.00	23,447.20	111,791.43	27,947.86	27,947.86	1,355.02
Janette Trask	50,000.00	725.00	366.00	3,024.00	14,000.00	68,115.00	17,028.75	17,028.75	809.06
Charles Odgers	107,625.00	1,560.56	366.00	3,024.00	30,135.00	142,710.56	35,677.64	35,677.64	1,741.51
Ross Rivera	70,437.55	1,021.34	366.00	5,554.80	28,527.21	105,906.90	105,906.90	105,906.90	4,999.31
						428,523.89	107,130.97	186,561.15	8,904.89
								177,656.26	

Employee	Base Salary	5% Reduction in Base Salary	New Base Salary	1.45% Medicare	1.2% on \$30,500 SUTA	8.4%/15.43% on \$36,000 Work Comp	28.0%/40.5% PERS	Total Cost	25% Proposed Expense to General Fund
Robert Switzer	83,740.00	4,187.00	79,553.00	1,153.52	366.00	3,024.00	22,274.84	106,371.36	26,592.84
Janette Trask	50,000.00	2,500.00	47,500.00	688.75	366.00	3,024.00	13,300.00	64,878.75	16,219.69
Charles Odgers	107,625.00	5,381.25	102,243.75	1,482.53	366.00	3,024.00	28,628.25	135,744.53	33,936.13
Ross Rivera	70,437.55	3,521.88	66,915.67	970.28	366.00	5,554.80	27,100.85	100,907.60	100,907.60
								407,902.24	101,975.56



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Robert Switzer
City Administrator

Re: Notice of Meeting of the City Council to consider your character, alleged misconduct, professional competence, or health

Dear Mr. Switzer:

In connection with other financial measures the City is contemplating, the Ely City Council may consider your character, alleged misconduct, professional competence or health at its meeting on February 22, 2018 at 5:00 pm at the Volunteer Fire Hall, located at 499 Mill Street, Ely, NV 89301. The meeting is a public meeting, and you are welcome and invited to attend. The Council may consider the following general topics: the projected shortfall in the General Fund and a possible 5 percent reduction in your wages. You may have an attorney or other representative of your choosing present during the meeting, you may present live testimony to the Council, written evidence to the Council, and present witnesses pertaining to your character, alleged misconduct, professional competence or physical or mental health to the Council.

If the Council determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health in the open meeting, it may also take administrative action against you at this meeting without further written notification. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033.

Sincerely,

Marion "Sam" Hanson
City Councilman Seat 5

cc: Mayor, City Council

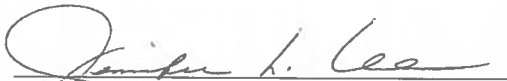
PROOF OF SERVICE

I, Jolene Gardner, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.033, I served the foregoing Notice of Meeting of the City Council to consider the projected shortfall in the General Fund and a possible 5 percent reduction in your wages by personally serving it on Robert Switzer at 9:45AM, Ely, NV 89301 on this 14 day of Feb, 2018.


Jolene Gardner

State of Nevada)
) ss:
White Pine County)

Signed and sworn to (or affirmed) before me by
Jolene Gardner on this 14th day of February, 2018.


Notary Public

Commission Expires 8-10-21



Appointed Officials
5% Reduction in Salary

Employee	Base Salary	Medicare 1.45%	1.2% on \$30,500 SUTA	8.4%/15.43% on \$36,000	28.0%/40.5% PERS	Total Cost	25% Current Expense to General Fund	25% Current Expense to General Fund	25% Proposed Expense to General Fund	Savings to General Fund
Robert Switzer	83,740.00	1,214.23	366.00	3,024.00	23,447.20	111,791.43	27,947.86	27,947.86	26,592.84	1,355.02
Janette Trask	50,000.00	725.00	366.00	3,024.00	14,000.00	68,115.00	17,028.75	17,028.75	16,219.69	809.06
Charles Odgers	107,625.00	1,560.56	366.00	3,024.00	30,135.00	142,710.56	35,677.64	35,677.64	33,936.13	1,741.51
Ross Rivera	70,437.55	1,021.34	366.00	5,554.80	28,527.21	105,906.90	105,906.90	105,906.90	100,907.60	4,999.31
						428,523.89	107,130.97	186,561.15	177,656.26	8,904.89

[illegible]



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Robert Switzer
501 Mill Street
Ely, NV 89301

Re: Notice of meeting to consider administrative action against person.

Dear Mr. Switzer:

This letter is intended to provide formal written notice pursuant to NRS 241.034 that the City Council will hold its regular meeting on February 22, 2018 and during that meeting the City Council will consider the following topic:

1. Councilman Carson – Councilman DeFelice – Discussion/For Possible Action – Approval to reduce City Administrator Robert Switzer's salaries and wages by twenty-five percent (25%). Total reduction in base salary would be \$20,935.00.

The details of the meeting are as follows:

Date: February 22, 2018
Time: 5:00 p.m.
Location: Ely Volunteer Fire Hall, 499 Mill Street, Ely, Nevada 89301

Sincerely,


Tony DeFelice
Ely City Council Seat 3

Received by:


Robert Switzer

Date:

2/13/18

PROOF OF SERVICE

I, Tony DeFelice, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.034, I served the foregoing Notice of Meeting of the Ely City Council to consider administrative action against person.

XX By personally serving it on Robert Switzer at 3:50 PM 2.13.18

By depositing it in the U.S. Mail, postage prepaid, certified mail no. _____

addressed to Robert Switzer at _____ on this _____ day of

_____, 2018.

Tony DeFelice
Signature of person making service, Tony DeFelice

State of Nevada)
ss:
White Pine County)

Signed and sworn to (or affirmed) before me by Tony DeFelice
(Name)

on 2-13-18
(date)



Jennifer L. Lee
Notary Public

Appointed Officials
25% Reduction in Salary

Employee	Base Salary	1.45% Medicare	1.2% on \$30,500 SUTA	8.4% on \$36,000 Work Comp	28.0% PERS	Total Cost	25% Current Expense to GF, LF, Wrt, Sew
Robert Switzer	83,740.00	1,214.23	366.00	3,024.00	23,447.20	111,791.43	27,947.86
Charles Odgers	107,625.00	1,560.56	366.00	3,024.00	30,135.00	142,710.56	35,677.64
						254,501.99	63,625.50

Employee	Base Salary	25% Reduction in Base Salary	New Base Salary	1.45% Medicare	1.2% on \$30,500 SUTA	8.4% on \$36,000 Work Comp	28.0% PERS	Total Cost	25% Proposed Expense to GF, LF, Wrt, Sew
Robert Switzer	83,740.00	20,935.00	62,805.00	910.67	366.00	3,024.00	17,585.40	84,691.07	21,172.77
Charles Odgers	107,625.00	26,906.25	80,718.75	1,170.42	366.00	3,024.00	22,601.25	107,880.42	26,970.11
		47,841.25						192,571.49	48,142.87

25% Current Expense to GF, LF, Wrt, Sew	25% Proposed Expense to GF, LF, Wrt, Sew	Savings to all Funds
27,947.86	21,172.77	6,775.09
35,677.64	26,970.11	8,707.54
63,625.50	48,142.87	15,482.62



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Janette Trask
City Treasurer

Re: Notice of Meeting of the City Council to consider your character, alleged misconduct, professional competence, or health


Dear Ms. Trask:

In connection with other financial measures the City is contemplating, the Ely City Council may consider your character, alleged misconduct, professional competence or health at its meeting on February 22, 2018 at 5:00 pm at the Volunteer Fire Hall, located at 499 Mill Street, Ely, NV 89301. The meeting is a public meeting, and you are welcome and invited to attend. The Council may consider the following general topics: the projected shortfall in the General Fund and a possible 5 percent reduction in your wages. You may have an attorney or other representative of your choosing present during the meeting, you may present live testimony to the Council, written evidence to the Council, and present witnesses pertaining to your character, alleged misconduct, professional competence or physical or mental health to the Council.

If the Council determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health in the open meeting, it may also take administrative action against you at this meeting without further written notification. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033.


Sincerely,


Marion "Sam" Hanson
City Councilman Seat 5

cc: Mayor, City Council

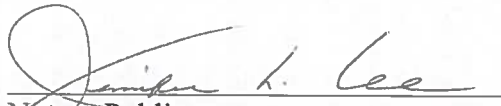
PROOF OF SERVICE

I, Jolene Gardner, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.033, I served the foregoing Notice of Meeting of the City Council to consider the projected shortfall in the General Fund and a possible 5 percent reduction in your wages by personally serving it on Janette Trask at 9:45, Ely, NV 89301 on this 14 day of Feb, 2018.


Jolene Gardner

State of Nevada)
) ss:
White Pine County)

Signed and sworn to (or affirmed) before me by
Jolene Gardner on this 14th day of February, 2018.


Notary Public

Commission Expires 8-10-21



Appointed Officials
5% Reduction in Salary

Employee	Base Salary	5%				25% Current			25% Proposed		
		1.45% Medicare	1.2% on \$36,000 Work Comp	28.0%/40.5% PERS	Total Cost	Expense to General Fund	25% Current Expense to General Fund	25% Proposed Expense to General Fund	Savings to General Fund		
Robert Switzer	83,740.00	1,214.23	366.00	23,447.20	111,791.43	27,947.86	27,947.86	26,592.84	1,355.02		
Janette Trask	50,000.00	725.00	366.00	14,000.00	68,115.00	17,028.75	17,028.75	16,219.69	809.06		
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Ross Rivera	70,437.55	1,021.34	366.00	28,527.21	105,906.90	105,906.90	105,906.90	100,907.60	4,999.31		
					428,523.89	107,130.97	186,561.15	177,656.26	8,904.89		

Employee	Base Salary	5%				25% Current			25% Proposed		
		1.45% Medicare	1.2% on \$36,000 Work Comp	28.0%/40.5% PERS	Total Cost	Expense to General Fund	25% Current Expense to General Fund	25% Proposed Expense to General Fund	Savings to General Fund		
Robert Switzer	83,740.00	4,187.00	79,553.00	1,153.52	366.00	3,024.00	22,274.84	106,371.36	26,592.84		
Janette Trask	50,000.00	2,500.00	47,500.00	688.75	366.00	3,024.00	13,300.00	64,878.75	16,219.69		
Charles Odgers	107,625.00	5,381.25	102,243.75	1,482.53	366.00	3,024.00	28,628.25	135,744.53	33,936.13		
Ross Rivera	70,437.55	3,521.88	66,915.67	970.28	366.00	5,554.80	27,100.85	100,907.60	100,907.60		
								407,902.24	101,975.56		



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

February 13, 2018

Janette Trask
City of Ely Treasurer

Re: Notice of Meeting of the City Council to consider your character, alleged misconduct, professional competence, or health

Dear Ms. Trask:

In connection with other financial measures the City is contemplating, the Ely City Council may consider your character, alleged misconduct, professional competence or health at its meeting on February 22, 2018 at 5:00 pm at the Volunteer Fire Hall, located at 499 Mill Street, Ely, NV 89301. The meeting is a public meeting, and you are welcome and invited to attend. The Council may consider the following general topics: the projected shortfall in the General Fund and impact to the General Fund should your position be eliminated through a reduction in force. You may have an attorney or other representative of your choosing present during the meeting, you may present live testimony to the Council, written evidence to the Council, and present witnesses pertaining to your character, alleged misconduct, professional competence or physical or mental health to the Council.

If the Council determines it necessary, after considering your character, alleged misconduct, professional competence, or physical or mental health in the open meeting, it may also take administrative action against you at this meeting without further written notification. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.

This notice is provided to you under NRS 241.033.

Sincerely,

Marion "Sam" Hanson
City Councilman Seat 5

cc: Mayor, City Council

PROOF OF SERVICE

I, Jolene Gardner, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.033, I served the foregoing Notice of Meeting of the City Council to consider Reduction in Force of the City Treasurer's position by personally serving it on Janette Trask at 9:45 AM, Ely, NV 89301 on this 14 day of Feb, 2018.

Jolene Gardner
Jolene Gardner

State of Nevada)
) ss:
White Pine County)

Signed and sworn to (or affirmed) before me by
Jolene Gardner on this 14th day of February, 2018.

Jennifer L. Lee
Notary Public

Commission Expires 8-10-21



Appointed Officials

Employee	Base Salary	Medicare	1.45%	1.2% on \$30,500 SUTA	8.4%/15.43% on \$36,000 Work Comp	28.0%/40.5% PERS	Total Cost	25% Current Expense to General Fund			25% Current Expense to General Fund			25% Proposed Expense to General Fund			Savings to General Fund		
Janette Trask	50,000.00	725.00	366.00	3,024.00	14,000.00	68,115.00	17,028.75	25% Current Expense to General Fund	17,028.75	25% Proposed Expense to General Fund	16,219.69	809.06							