

Meeting Minutes for the

June 17, 2020

Sparks Charter Committee Meeting

This meeting was held virtually due to the Covid-19 pandemic

1. CALL TO ORDER

Committee member LaRiviere called the meeting to order at 5:30 PM.

2. ROLL CALL

Present via ZOOM: Committee members Robert LaRiviere, Dennis White, Jeffrey Lofy, David Espinosa, Laurie Squartsoff, Jackie Peterson, Lee Ruff, Darcy Carpenter, Lancette VanGuilder; Chief Assistant City Attorney Shirle Eiting; Assistant City Clerk Julie Torres.

Absent: Committee Members Dian VanderWell and Erik Jimenez.

3. PUBLIC COMMENT

City Manager Neil Krutz introduced himself to the Committee.

4. APPROVAL OF THE AGENDA (FOR POSSIBLE ACTION)

Motion: Move to approve the agenda as submitted.

Moved by: Committee Member Lofy

Seconded by: Committee Member Ruff

Yes: Committee Members LaRiviere, White, Lofy, Squartsoff, Peterson, Espinosa, Ruff, VanGuilder, Carpenter.

No: None

Abstain: None

Vote: Motion passed unanimously, 9-0.

5. CONSIDERATION AND POSSIBLE APPROVAL OF THE MINUTES OF THE SPARKS CHARTER COMMITTEE MEETING FOR MAY 27, 2020. (FOR POSSIBLE ACTION)

Motion: Move to approve the minutes of the Sparks Charter Committee meeting for May 27, 2020.

Moved by: Committee Member VanGuilder

Seconded by: Committee Member Squartsoff

Yes: Committee Members LaRiviere, White, Lofy, Squartsoff, Peterson, Espinosa, Ruff, VanGuilder, Carpenter.

No: None

Abstain: None

Vote: Motion passed unanimously, 9-0.

6. GENERAL BUSINESS (FOR POSSIBLE ACTION)

6.1 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO UPDATE LANGUAGE IN THE CITY CHARTER REGARDING MUNICIPAL COURT JURY TRIALS. (FOR POSSIBLE ACTION)

Chief Assistant City Attorney Shirle Eiting provided an overview of the language update which is predicated on a 2019 Nevada Supreme Court decision (Anderson v. Eight Judicial District Court). This decision concluded that because NRS 202.360(1)(a) prohibits a person convicted of misdemeanor domestic violence from owning a firearm, the Nevada Legislature has determined it to be a serious offense. The Court held that a jury trial is constitutionally required for such offenses, even though those offenses remain misdemeanors.

NRS 5.050 gives Sparks Municipal Court jurisdiction over misdemeanors that occur within City limits. To date, no jury trials have been held.

Committee members inquired about firearms provisions in the State and Federal laws. Mrs. Eiting provided information and explained the two laws do have different aspects.

Mrs. Eiting explained that under this new language, a defendant may request a jury trial if one is Constitutionally required according to the applicable statute(s). She also informed the Committee that if the Nevada State Legislators wished to expand or contract the language at the next legislative session, they may do so. The Charter Committee will need to find a sponsor for the Bill Draft Review (BDR) to get the language passed in 2021. The new language will be in Title IV of the Sparks Charter.

Motion: Move to adopt the updated jury trial language as proposed.
Moved by: Committee Member Ruff
Seconded by: Committee Member VanGuilder
Yes: Committee Members LaRiviere, White, Lofy, Squartsoff, Peterson, Espinosa, Ruff, VanGuilder, Carpenter.
No: None
Abstain: None
Vote: Motion passed unanimously, 9-0.

6.2 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO UPDATE LANGUAGE IN THE CITY CHARTER REGARDING THE NUMBER OF CANDIDATES REQUIRED TO DECLARE A WINNER DURING A PRIMARY ELECTION (FOR POSSIBLE ACTION)

Chief Assistant City Attorney Shirle Eiting provided an overview of the language update outlining the city election process. In 2016, the Charter Committee voted to amend Charter Section 5.010, changing the general election for council seats from citywide to ward only voting. After these amendments, changes were also recommended for Section 5.020. The recommended language includes the number of candidates advancing to the General Election based on the percentage of votes received at the close of the Primary Election and will align City Charter with the Nevada Revised Statute 293C.

Motion: Move to update the language in the City Charter regarding the number of candidates required to declare a winner during a Primary Election.
Moved by: Committee Member VanGuilder
Seconded by: Committee Member Lofy
Yes: Committee Members LaRiviere, White, Lofy, Squartsoff, Peterson, Espinosa, Ruff, VanGuilder, Carpenter.
No: None
Abstain: None
Vote: Motion passed unanimously, 9-0.

6.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO PLACE FUTURE TOPICS ON THE NEXT CHARTER COMMITTEE MEETING AGENDA (FOR POSSIBLE ACTION).

Motion: Move to close this item with no new topics.
Moved by: Committee Member Lofy
Seconded by: Committee Member Ruff
Yes: Committee Members LaRiviere, White, Lofy, Squartsoff, Peterson, Espinosa, Ruff, VanGuilder, Carpenter, Jimenez.
No: None
Abstain: None
Vote: Motion passed unanimously, 9-0.

6.4 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO DETERMINE THE MEETING CALENDAR FOR THE 2020 CHARTER COMMITTEE (FOR POSSIBLE ACTION).

Charter rules require the meetings are closed out when updates are complete. The next meeting will be the final meeting of the year.

Motion: Move to hold the next Sparks City Charter Committee meeting on July 21, 2020.
Moved by: Committee Member Squartsoff
Seconded by: Committee Member Lofy
Yes: Committee Members LaRiviere, White, Lofy, Squartsoff, Peterson, Espinosa, Ruff, VanGuilder, Carpenter.
No: None
Abstain: None
Vote: Motion passed unanimously, 9-0.

7. PUBLIC COMMENT

There was none.

8. ADJOURNMENT

The meeting was adjourned at 6:03 p.m.

Committee Chair Robert LaRiviere

ATTEST:

Assistant City Clerk Julie Torres

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