

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the April 15, 2003 Meeting

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A regular meeting of the Carson City Parks and Recreation Commission was scheduled for 5:30 p.m. on Tuesday, April 15, 2003 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Stacie Wilke
Vice Chairperson Tom Keeton
Donna Curtis
Donna DePauw
Pete Livermore
John McKenna

STAFF: Steve Kastens, Parks and Recreation Director
Scott Fahrenbruch, Parks and Recreation Director of Operations
Mark Forsberg, Chief Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

CALL TO ORDER AND ROLL CALL (1-0009) - Chairperson Wilke called the meeting to order at 5:32 p.m. Roll was called; a quorum was present. Commissioners Dunn, Herst, and Hoffman were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0014) - None.

1. ACTION ON APPROVAL OF MINUTES - March 18, 2003 (1-0020) - Ms. King noted a correction to page 2 of the minutes. Commissioner Keeton moved to accept the minutes, as corrected. Commissioner Curtis seconded the motion. Motion carried 5-0-1, Commissioner Livermore abstaining.

2. CHANGES TO THE AGENDA (1-0037) - None.

3. AGENDA ITEMS:

3-A. REVIEW OF THE OPEN MEETING LAW AS IT PERTAINS TO THE PARKS AND RECREATION COMMISSION (1-0039) - Mr. Forsberg noted that many Nevada Open Meeting Law provisions, which are the most difficult to comply with or to interpret, will not affect the Commission because they are taken care of by City staff. These included properly drafting and posting agendas, providing public notice of meetings to citizens, accomplishing the proper taking of minutes at the meeting, etc. Other elements of the Nevada Open Meeting Law which won't affect the Commission have to do with closed sessions.

Mr. Forsberg discussed two areas of the Open Meeting Law which are frequently troublesome: sticking to the agenda and serial conversations or "walking quorums." He cautioned the Commissioners against straying into topics related to those which are formally agendized because doing so deprives the public of the opportunity to comment and express opinions. He explained that the underlying purpose of the statutory scheme of the Nevada Open Meeting Law is to ensure that any citizen can easily understand from

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the agenda the topics to be discussed during the meeting. Mr. Forsberg further cautioned against engaging in discussion of non-agendized items during the citizen comment period.

Mr. Forsberg discussed the problem of serial conversations or “walking quorums,” and advised that this is considered a subversion of the purpose of the Open Meeting Law by the Attorney General and the courts. He advised that it is best to have all discussions of Commission business during an open meeting. He noted that social gatherings can be a problem, such as annual parks tours, etc., and advised the Commissioners to avoid discussion which moves toward a consensus during such gatherings.

Mr. Forsberg reviewed the consequences of violating the Open Meeting Law, including that actions taken become void and may call into question the validity of later actions taken by the Board of Supervisors. He advised the Commissioners to be scrupulous in following the Open Meeting Law. He noted that the Commissioners each had a copy of the Open Meeting Law Handbook, acknowledged that some pages were missing, and advised that the missing pages addressed some of the more technical aspects of compliance. He advised that the missing pages would be provided to the Commissioners.

In response to a question, Mr. Forsberg reviewed examples of appropriate and inappropriate discussion during gatherings such as park tours. He advised the Commissioners to avoid conversation which becomes “organized on a topic,” where views are being expressed and a consensus is being reached, because the public will not have the opportunity to participate. He suggested that the Commissioners be cognizant of the Open Meeting Law at all times in the context of Commission business. In response to a further question, Mr. Forsberg advised that “social events are defined as not being a meeting.” He reiterated that the Commissioners should avoid conversations which could be considered deliberation toward a decision or gathering information toward a decision. He referred to a case where the Nevada Supreme Court defined “deliberation” in part as gathering information. If the Commissioners find themselves in a situation where there is a quorum, Mr. Forsberg advised that a conscious effort should be made not to discuss Commission business. Mr. Kastens advised that Parks staff usually publishes a notice of possible quorum for gatherings and events, and Mr. Forsberg explained the purpose for such notices.

Commissioner McKenna inquired as to the validity of action taken by less than a majority of the Commission. Mr. Kastens advised that the Commission’s bylaws require a super majority vote only for changes to the bylaws themselves. Mr. Forsberg advised he would research the matter and provide an answer to the Commission. He responded to additional questions regarding communication by e-mail, and advised that communication between individual Commissioners does not implicate the Open Meeting Law. He further advised that individual Commissioners can communicate with City staff about anything without violating the Open Meeting Law. He acknowledged that individual communications between Commissioners which work toward a consensus would constitute a violation. He discussed the Attorney General’s approach to presume a violation in the face of evidence of serial conversations. He advised that the Attorney General has the authority to prosecute Open Meeting Law violations. Mr. Forsberg advised that the District Attorney’s staff stands ready to answer Open Meeting Law questions as they arise. Chairperson Wilke thanked Mr. Forsberg for his presentation.

3-B. REPORT ON 3% BUDGET CUTS FOR FISCAL YEAR 2003-04 (1-0444) - Mr. Kastens provided an overview of the staff report and attachments. He reviewed funding which was reinstated at a meeting of the Board of Supervisors subsequent to that in which the Parks and Recreation Department budget was approved. He discussed the process by which Parks and Recreation Department staff

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determined the budget cuts requested by the Board, and Department policies on travel and training. He advised that Parks and Recreation Department staff feel very comfortable with the budget at this time, and that they will continue to provide the services the community has come to expect.

Commissioner Livermore provided an overview of the budget process as related to the Parks and Recreation Department. He complimented Mr. Kastens and Mr. Fahrenbruch on designating areas of budget savings which would least impact the community, and commented that the community is fortunate to have Mr. Kastens' vision, wisdom, and judgement in his capacity as a senior staff person. In response to a question, Mr. Kastens advised that the hours of operation at the Aquatic Facility will remain the same. Commissioner Livermore reviewed Parks and Recreation CIP projects which may have been impacted but, in the end, were not. He explained the source of CIP funding, and advised that it may not be as available in future years.

4. NON-ACTION ITEMS:

STATUS REPORT ON QUESTION #18, RESIDENTIAL CONSTRUCTION TAX, AND CAPITAL IMPROVEMENT (1-0702) - Mr. Kastens advised of attending the weekly construction meeting at Fuji Park earlier in the day. He anticipates the improvements to be completed within the next couple weeks. The restroom building has been ordered and is being manufactured in Reno. Mr. Kastens anticipates it will be delivered to the park by mid-June and operational by July 1st. Parks staff has maintained constant communication with all park users to ensure that necessary modifications and adjustments are made. Mr. Kastens reviewed the various event organizers with whom Parks staff has been communicating, and advised that they have been very cooperative and understanding. He invited the Commissioners to visit the park to see the improvements. In response to a question, Mr. Kastens discussed repair work at the Mills Park skateboard facility and advised that it should be completed in 2-3 weeks.

STATUS REPORTS AND COMMENTS FROM COMMISSION MEMBERS (1-0753) - Commissioner Livermore reviewed Youth Sports Association programs which began in the spring, discussed the parking situation at the Edmonds Sports Complex, and advised of the appointment of a new caretaker at Governor's Field. Commissioner DePauw inquired as to possible maintenance or replacement of the exercise course signage at Riverview Park. Mr. Kastens advised that a Boy Scout has developed a project to repair/replace all of the sign frames and posts. The signage which is in relatively good condition will be reinstalled. In addition, the Boy Scout will reconstruct the exercise apparatus at each station. Mr. Kastens advised that matching replacement signage could not be located due to the age of the exercise course. He reviewed the direction provided to the Boy Scout and anticipates that he will begin the project in the near future. Commissioner McKenna reported that some of the new wildlife signs have been broken, and Mr. Kastens advised that they will be replaced by Mike Reynolds, the Eagle Scout who did the project. Commissioner Curtis thanked Mr. Kastens for the parks tour he provided her and Commissioner Herst last Saturday. She commented on the amazing number of facilities in Carson City, and stated that she looks forward to using them.

STATUS REPORTS AND COMMENTS FROM STAFF (1-0873) - Mr. Kastens referred to the 2002 Parks and Recreation Department Overview included in the Commissioners' agenda materials, and briefly reviewed its contents. He discussed the Community Cleanup Trailer Dedication and Moffat Property Cleanup scheduled for Saturday, April 19th, and the Arbor Day Celebration scheduled for Friday,

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April 25th. He advised of a Wetlands Cleanup scheduled for 8:30 a.m. on Monday, April 21st from Northridge Drive north toward St. Theresa's Catholic Church.

FUTURE AGENDA ITEMS FROM COMMISSION MEMBERS (1-0933) - Commissioner Livermore requested staff to agendize review and discussion regarding non-resident fees for park use, and review and discussion of park maintenance standards. He suggested agendizing a slide presentation on each of the various parks; one park per meeting.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1009) - None.

5. ADJOURNMENT (1-1018) - Commissioner DePauw moved to adjourn the meeting at 6:32 p.m. Vice Chairperson Keeton seconded the motion. Motion carried 6-0.

The Minutes of the April 15, 2003 meeting of the Carson City Parks and Recreation Commission are so approved this 6th day of May, 2003.

STACIE WILKE, Chair