

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the April 27, 2009 Meeting

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A meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, April 27, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Michael Fischer
Teri Green-Preston
Howard Riedl
Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Moreen Scully, Deputy District Attorney
Kathleen King, Recording Secretary

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

CALL TO ORDER AND DETERMINATION OF QUORUM (6:00:14) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present; Member Lincoln was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:00:39) - None.

1. ACTION ON APPROVAL OF MINUTES - March 16, 2009 (6:00:45) - Member Fischer moved to approve the minutes. Member Riedl seconded the motion. Member Scott noted a clerical correction. Chairperson Hartman called for a vote on the pending motion; motion carried 6-0.

2. MODIFICATIONS TO THE AGENDA (6:01:22) - None.

3. AGENDA ITEMS:

3-A. DISCUSSION AND POSSIBLE ACTION REGARDING A VOLUNTEER PROGRAM IN RELATION TO LAND ADMINISTERED BY THE OPEN SPACE PROGRAM AND PARKS AND RECREATION DEPARTMENT (6:01:30) - Mr. Guzman introduced this item and reviewed the agenda report. He requested the committee members to review the agenda materials and provide feedback. He provided an overview of the volunteer handbook included in the agenda materials, and advised of having scheduled a meeting with Richard Wipfli and Rob Bauter to discuss wireless communication availability in the area of Kings Canyon Road. He suggested agendizing a presentation to the Board of Supervisors at the appropriate time. He acknowledged that the volunteer program will include parks and recreation department properties as well. Mr. Moellendorf discussed development of the volunteer program policies, and advised of consideration given to creating a volunteer coordinator position.

Member Scott expressed agreement with the need for volunteer coordination, and concern that the process associated with volunteering not become cumbersome. Member Fischer discussed concerns over the Open Space Program funding too many City employment positions. Member Green-Preston offered to provide

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an abbreviated set of volunteer forms. Chairperson Hartman expressed concern over the Open Space Program developing the volunteer program and “continuing to pay the lion’s share of it.” Member Riedl advised of a familiarity with the Washoe County Volunteer Program, and discussed the accessibility of volunteer forms via their convenient website. He suggested that the City consider utilizing volunteer resources “in all aspects of the City’s business ...” He expressed the opinion that the volume of materials included in the agenda packets was “too big ... just for an open space volunteer.” Mr. Moellendorf expressed support for keeping the process simple. In reference to the volunteer coordinator, he clarified that the position would not be funded by the Open Space Program. Member Scott expressed agreement with a “scaled-down version” of the Washoe County Volunteer Program materials. Chairperson Hartman clarified earlier concerns expressed regarding allocation of open space funding. In reference to earlier comments, Mr. Guzman described various volunteer projects and staff’s role in coordinating them. He thanked the committee members for their input.

3-B. DISCUSSION AND POSSIBLE ACTION REGARDING THE CARSON CITY OPEN SPACE FUNDING PRIORITIES FOR LAND ACQUISITIONS, SITE IMPROVEMENTS, FEDERAL LANDS BILL IMPLEMENTATION, AND OTHER RELATED MATTERS, INCLUDING EXISTING FINANCIAL RESOURCES (6:21:48) - Mr. Guzman introduced this item, and reviewed the April 22nd memo included in the agenda materials. In response to a comment, he advised of having recently briefed Ms. Scully on the Bawden / Millard wetlands donation and that they will be working together on it. He provided an update on the Long / Darling / Schultz transaction, and an overview of discussions between V&T Railway Commission representatives and Mr. Bently.

Mr. Guzman advised of the possible opportunity to finalize the Serpa transaction due to the current economic situation. Approximately 50 percent of the necessary funding would be allocated from a Question #1 Resource Conservation and Protection grant. Mr. Guzman advised of having forwarded a message to the committee members from Jacques Etchegoyhen, representing Mr. Serpa, requesting to include a provision that the property would revert to Mr. Serpa in the event of a decision to utilize it for purposes other than open space. Chairperson Hartman recalled that utilizing Question #1 funding precludes the possibility of including a reversionary provision in light of the associated conservation easement. In response to a question, Mr. Guzman clarified Mr. Etchegoyhen’s request and the Question #1 funding criteria. Member Scott noted the multiple parcels included in the Serpa transaction, and questioned purchasing any parcel which may be “a candidate” for future development. He referred to the committee’s goal to only recommend purchases which will be perpetually designated for open space. In response to an earlier comment, Mr. Guzman advised that the V&T right-of-way “has been there forever.” In developing the open space master plan element, a determination was made that “even with the V&T going through it, it is worthy of having as open space land.” Mr. Guzman compared the acquisition with the Horse Creek Ranch property “with Kings Canyon [Road] ... to an edge of it,” and the Joost transaction “with the liability of having to provide access ... and a road.” Member Scott provided historic information on the Open Space Advisory Committee’s prioritization of Carson River properties. He expressed the opinion that the V&T is compatible because of its historic value. Mr. Guzman noted that reconstruction of the V&T Railway will close the area to automobile and off-road vehicle traffic. Vice Chairperson Jacquet noted the provisions of the ordinance to reimburse the Open Space Program as a disincentive to developing open space property. Member Green-Preston clarified her concern over recreational and rescue vehicle access. Mr. Guzman advised of having discussed two potential crossings to accommodate search and rescue and emergency vehicle access. Chairperson Hartman discussed the possibility of including a reversionary clause in the grant deed, and suggested that Mr. Guzman discuss the same with Question #1 administrators. Chairperson

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Hartman acknowledged that reversionary clauses are almost always associated with donations. Mr. Guzman advised that an appraiser would have to provide an opinion with regard to how a reversionary clause would affect property value.

Mr. Guzman advised that implementation of the federal lands bill is imminent, and of meetings scheduled with Bureau of Lands Management representatives. Discussion took place regarding difficulties associated with obtaining a signed copy of the bill. Mr. Guzman advised of work with Tri-State Surveying, and discussed title-related issues to be resolved. He will present cost estimates to the committee in the near future. In response to a question, he advised that each property owner is responsible until title passes. Chairperson Hartman offered to assist in acquiring a copy of the signed lands bill.

3-C. DISCUSSION AND POSSIBLE ACTION REGARDING THE 2010 FISCAL BUDGET

(6:45:10) - Mr. Guzman introduced this item, and reviewed the agenda report and budget materials attached thereto. He noted the information provided in the agenda materials as to the method by which internal service charges are calculated. In response to a question, Mr. Moellendorf suggested that approximately 60 percent of the internal service charge total would be allocated to the "parks side." Mr. Guzman advised of the special Board of Supervisors meeting scheduled for Monday, May 18th to review the tentative budget. He suggested the committee may want to review the budget materials prior to said meeting.

Member Scott expressed concern over the \$100,000 allocation for fire suppression. He acknowledged there will be more open space to protect, but described the proposed allocation as "a major incursion into our open space funds" as a "significant percentage of what we anticipate receiving." He requested additional background information in order to understand the timing and "how it works, particularly in light of the fact that ... after the smoke cleared on the Waterfall Fire ... most of the costs ... were paid by other parties." He expressed concern over the precedent and the "process ... it starts." He expressed agreement with the need to consider fire protection / suppression on the properties to be acquired as part of the federal lands bill, and uncertainty that assigning primary responsibility to the City is the only solution. He noted the accountability and responsibility for fires not within the Sierra Front Fire Protection District to which there is tied a "huge insurance policy." He questioned the internal service charge allocations to the Open Space Program's portion of the Quality of Life fund, and noted the significant increases from last year's budget. Mr. Moellendorf provided background information on the origin of the internal service charges, and discussion ensued. Member Riedl inquired as to the method by which the \$100,000 fire suppression allocation would be expended. Mr. Guzman acknowledged that it would be set aside "in case there is a fire ...". In response to an earlier comment, he advised that the Waterfall Fire cost the City \$8 million. He offered to invite Fire Chief Stacey Giomi or City Manager Larry Werner to discuss the allocation with the committee. Chairperson Hartman recalled discussions with Chief Giomi and Mr. Werner regarding disposing of the watershed properties "because of this liability." In light of the fire suppression charge, Chairperson Hartman discussed a preference to retain the watershed properties. He advised that the Nevada Division of Forestry would be responsible for the wildland properties, and suggested forming a fire protection district. "We can get a lot of coverage for \$100,000." Chairperson Hartman expressed concern that the premise upon which the public lands bill was promoted has been "flipped right around." He expressed a further preference to identify a method by which to mitigate the fire suppression costs "in some kind of a policy ...". He noted the associated requirement for continuous fire suppression activity. Mr. Guzman advised of the intent to develop a fuels management program for Prison Hill. Mr. Moellendorf

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advised that the \$100,000 allocation would be designated only for suppression, not protection and fuels reduction. Chairperson Hartman discussed the importance of carefully considering whether to allocate funding toward fire prevention or fire suppression.

In response to a question, Mr. Moellendorf advised that the “carryover” figures will be re-inserted into the budgets in November or December. Member Scott noted the differences between last year’s internal service charges and this year’s, and expressed concern over “leaping into an overhead organization with very little activity and no funding for it.” Chairperson Hartman noted that the Open Space Program was created solely for the purposes of open space. “We are not here to be a big bucket for everybody else to stick their hand in or to do things for which we are not getting participation from sewer, from water, from any number of other departments.” Chairperson Hartman noted that this committee met, early on, as often as necessary. He suggested that, at this point, there is no need for monthly meetings. “We need to spend our money in open space ...” Mr. Moellendorf acknowledged the purpose of the Open Space Program budget for acquisition, management, and maintenance of open space. He further acknowledged that reducing the number of meetings would conceivably reduce internal service charges. He expressed understanding for the concerns expressed by the committee members. He noted the increase in internal service charges corresponds with the decrease in general fund revenues. Chairperson Hartman pointed out that the Open Space Program has never had participation from other departments in such things as watershed protection issues. He expressed concern over losing the Open Space Program focus, and discussed the importance of giving careful consideration to the original purpose of Question #18. Member Fischer and Vice Chairperson Jacquet provided historic information on promotion of Question #18 and the original purpose of the Open Space Program. Vice Chairperson Jacquet expressed agreement with the necessity of scaling back administrative costs in order to reserve capital for open space acquisition. He expressed serious concerns over open space revenues being used for administrative and overhead costs.

Mr. Moellendorf noted the trend toward less open space acquisition and more open space management. Member Scott agreed, and noted that the Open Space Coordinator position “represents our commitment to start the process of somebody on the ground doing productive management-type work.” He suggested the fire suppression allocation represents a turning point “in the whole process of how open space and fire suppression are going to interface.” He described it “as the proverbial nose under the tent,” and discussed the importance of understanding the purpose and alternatives. He expressed concern over minimizing the Open Space Program’s exposure, and ensuring the necessary fire protection. He requested the opportunity to provide suggestions and recommendations. Chairperson Hartman acknowledged anticipating the need for open space management, but noted that this committee has been very purposeful about the kinds of property acquired, and maintaining the distinction between active parks and recreation and passive open space. He discussed the purpose of the Open Space Program, and reiterated the importance of each of the committee members carefully reviewing the tentative budget and providing recommendations in accordance with said purpose.

Chairperson Hartman opened this item to public comment. (7:16:40) Supervisor Pete Livermore agreed with the concerns expressed by the committee members, and discussed the importance of a transparent budget process. He explained that the tentative budget is developed by the City’s internal finance committee rather than the Board of Supervisors. He suggested that the committee request a joint meeting with the Board of Supervisors in order to express concerns “about where your open space money is going to.” In reference to development of Question #18, he advised of concerns regarding “how the bureaucracy is eventually going to dip in their hands and get that for other operations.” He provided historic

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information on budget hearings before the Board of Supervisors, and background information on development of the internal finance committee. He advised of having demanded additional information and “a more open process” with regard to this year’s budget. He further advised of having reviewed the agenda materials pertinent to this meeting earlier in the day, and of a conversation with Finance Department Director Nick Providenti. He reiterated agreement with the concerns previously expressed by the committee that Question #18 funding will be diverted to general government use. He commended the committee on their diligence over the budget process.

Chairperson Hartman thanked Supervisor Livermore for his comments, and noted the specificity associated with Question #18 percentage allocations. Member Scott noted the committee’s “certain sense of ownership,” and discussed the importance of protecting the “wonderful program that the voters of this community approved.” He acknowledged the advisory nature of the committee and noted the dedication of the committee members, many of whom have served since passage of Question #18. Supervisor Livermore advised that the first budget hearing is agendized for the May 7th Board of Supervisors meeting. He expressed the hope that several committee members would be present at the meeting to provide input.

Chairperson Hartman thanked Supervisor Livermore for his attendance and participation. He requested the committee members to provide comments to Mr. Guzman and Mr. Moellendorf via e-mail. Mr. Moellendorf advised that staff would begin communicating the committee’s concerns over the fire suppression and internal service charges. Chairperson Hartman reiterated that consideration should also be given to “the other side where there should have been contributions coming from other entities in the City ...” He noted the importance of considering the bond payment obligation as well. He further reiterated that the Open Space Program has “been at the front,” but there hasn’t been anyone participating back from the other side. He further reiterated that the premise of the public lands bill was to relinquish the watershed properties in order to avoid liability. In response to a previous comment, Mr. Guzman advised that existing Parks Department staff will be used for open space maintenance. He noted that this will necessitate a contribution from the Open Space Program which is not yet reflected in the tentative budget. This will effectively reduce “empire building.” Chairperson Hartman expressed understanding for this “piece of the puzzle” in terms of funding allocation.

3-D. DISCUSSION AND POSSIBLE ACTION REGARDING ATTENDANCE AT THE LAND TRUST ALLIANCE RALLY IN OCTOBER 2009 (7:29:18) - Mr. Guzman introduced this item, reviewed the agenda report, and suggested that Member Green-Preston attend the rally. Discussion took place regarding the figures outlined in the staff report. Member Green-Preston acknowledged an interest in attending the rally. Member Fischer suggested the possibility of hosting a Land Trust Alliance Rally in northern Nevada, and discussion followed. In response to a question, Mr. Guzman advised of the intent to also attend the rally. No formal action was taken.

4. NON-ACTION ITEMS:

STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (7:34:30) - Mr. Guzman reviewed the “FYI” items included in the agenda materials. He requested the committee members to consider June 13th as the date for a ribbon cutting ceremony for the two new bridges and for a 5K event. Member Scott commended the quality, design, and installation of the bridges on behalf of the equestrian community. In response to a question, Mr. Guzman discussed recent work done along the River by the Pine

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Nut Mountains Trails Association. Member Scott suggested the possibility of formally thanking volunteer groups for assistance provided in open space areas. Chairperson Hartman noted that the status of many of the below-listed items had been covered throughout the meeting.

FUELS REDUCTION THROUGH USE OF SHEEP (7:38:08) - Member Riedl advised of having recently visited the Ash Canyon fuels reduction project. Mr. Guzman advised of an unexpected communication from the U.S. Forest Service requesting to have the sheep removed from their property on the basis that the cheatgrass should have cured by now. He has requested Ms. Bollinger to begin formulating a response. Member Scott suggested that staff develop a request for proposal process in order to commence a study prior to removing any sheep. Discussion followed.

WATERFALL FIRE PHASE 1, FLOOD MITIGATION BASINS

HARLEY DAVIDSON PARTNERSHIP

V&T RIGHT-OF-WAY NEGOTIATIONS

LONG PROPERTY / LEGACY PROGRAM NOMINATIONS FOR CITY PURCHASE

5. FUTURE AGENDA ITEMS - Previously covered.

6. ACTION ON ADJOURNMENT (7:42:24) - Member Fischer moved to adjourn the meeting. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the April 27, 2009 Carson City Open Space Advisory Committee meeting are so approved this 13th day of May, 2009.

STEPHEN D. HARTMAN, Chair