

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

**Day:** Monday  
**Date:** February 26, 2018  
**Time:** Beginning at 3:00 pm  
**Location:** Community Center, Sierra Room  
851 East William Street  
Carson City, Nevada

**AGENDA**

**1. Call to Order**

**2. Roll Call**

**3. Public Comment:**

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

**4. Agenda Items:**

4.A For Possible Action: To elect a chair and a vice chair.

Staff Summary: Pursuant to Carson City Charter Sec. 1.090(1), The Charter Committee shall elect a chairman and vice chairman from among its members who serve for a term of 2 years.

4.B For Discussion Only: Review and discussion of the Nevada Open Meeting Law. (Adriana Fralick, [afralick@carson.org](mailto:afralick@carson.org))

Staff Summary: Brief discussion on the Open Meeting Law.

4.C For Possible Action: Review and discussion on the process and timeline for the 2018 Charter Review Committee and possible direction to staff. (Nancy Paulson, [npaulson@carson.org](mailto:npaulson@carson.org))

Staff Summary: Discussion on the process to be used for the committee to receive input on possible amendments to the Carson City Charter.

4.D For Possible Action: To set the date and time for the next Charter Review Committee meeting. (Nancy Paulson, [npaulson@carson.org](mailto:npaulson@carson.org))

**5. Public Comment:**

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

**6. For Possible Action: To Adjourn**

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

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

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

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

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

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

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# STAFF REPORT

Report To: Charter Review Committee

Meeting Date: February 26, 2018

Staff Contact: Nancy Paulson, Deputy City Manager

Agenda Title: For Possible Action: To elect a chair and a vice chair.

Staff Summary: Pursuant to Carson City Charter Sec. 1.090(1), The Charter Committee shall elect a chairman and vice chairman from among its members who serve for a term of 2 years.

Agenda Action: Formal Action/Motion

Time Requested: 5 mins

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## Proposed Motion

I move to elect \_\_\_\_\_ as Chair and \_\_\_\_\_ as Vice Chair.

## Board's Strategic Goal

N/A

## Previous Action

N/A

## Background/Issues & Analysis

N/A

## Applicable Statute, Code, Policy, Rule or Regulation

Carson City Charter Section 1.090(1).

## Financial Information

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

## Alternatives

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



# STAFF REPORT

Report To: Charter Review Committee

Meeting Date: February 26, 2018

Staff Contact: Adriana Fralick, Chief Deputy District Attorney

Agenda Title: For Discussion Only: Review and discussion of the Nevada Open Meeting Law.

Staff Summary: Brief discussion on the Open Meeting Law.

Agenda Action: Other/Presentation

Time Requested: 15 mins

## Proposed Motion

Discussion only

## Board's Strategic Goal

N/A

## Previous Action

N/A

## Background/Issues & Analysis

N/A

## Applicable Statute, Code, Policy, Rule or Regulation

N/A

## Financial Information

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

## Alternatives

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

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(Vote Recorded By)



### Nevada's open meeting law

Adriana G. Fralick, Esq.  
Chief Deputy District Attorney

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### Intent of oml

- “[T]he Open Meeting Law is not intended to prohibit every private discussion of a public issue. Instead, the Open Meeting Law only prohibits collective *deliberations* or *actions* where a quorum is present.” (Emphasis added.)

*Dewey v. Redevelopment Agency*, 119 Nev. 87, 64 P.3d 1070(2003).

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### Does Nevada's open meeting law apply?

- Is the entity a public body ?
  - Public body must be an administrative, executive, legislative, or advisory body that expends, disburses or is supported by tax revenue;
  - If created by the Constitution, statute, charter, ordinance, resolution;
  - Requires at least 2 people. NRS 241.015(4)
- Is it a meeting?

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### What is a meeting?

- 1. **Quorum** of members of a public body.  
(in person or by means of electronic communication)
- and
- 2. **Deliberation** amongst the quorum toward a decision.
- and/or
- 3. **Action.**

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### Critical definitions

- **Deliberation** means: "collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion, or exchange of facts preliminary to the ultimate decision."  
NRS 241.015(2)
- **Action** means: a vote (if all members must be elected officials).  
NRS 241.015(1)

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### A "meeting" occurs when:

- You have a "serial quorum" or "walking quorum" or "constructive quorum". All terms are synonymous. Stay away from these.
- Any series of gatherings of members where: (1) less than quorum present; (2) members attend one or more of the gatherings collectively; (3) with the intent to circumvent OML.

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**When oml also applies:**

- ✘ The AG's OML Manual states: "...to the extent that a group is appointed by a public body and is given the task of making decisions for or recommendations to the public body, the group would be governed by the OML."
- ✘ When public body delegates *de facto* authority to a committee that stands in shoes of public body, OML may apply.

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**When oml doesn't apply**

- Expressly provided for in NRS Ch. 241.
- Labor negotiations under NRS Ch. 288.
- Typical internal agency staff meetings without quorum requirements and no votes taken.
- Private briefings among staff of a public body and a non-quorum of members of a public body.
- Attorney briefings on potential or existing litigation but action must be taken in public.
- Social functions if don't deliberate or take action.
- Seminars, conferences, conventions, workshops.

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**Appointment of designee/proxy**

- Designation may occur only if the public body's creating authority specifically allows for designation.
- A proper designee (1) is deemed a member of the body for quorum purposes and (2) may exercise same powers as regular member.

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### Important agenda notice requirements

- Fundamental agenda rule—"Clear and complete statement of the topics to be considered at meeting."
  - Must be specific to alert the public as to what will be discussed.
- Action items must be labeled "For possible action" or "For possible corrective action" next to the appropriate item .
- State that items may be taken out of order: and/or
- Items may be combined or removed at any time.
- Required periods devoted to comments by the general public.
- Most importantly: **public comment restrictions must appear on each agenda.**

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No! it was determined not to be clear and complete.

Meeting video showed motion was made to direct staff to include mandatory trash service as a part of the bidding process for franchise agreement renewal or perhaps obtaining new services from other contractors.

- ✓ "higher degree of specificity is needed when the subject to be debated is of special or significant interest to the public." *Sandoval v. Board of Regents of the University and Community College System of Nevada*, 119 Nev. 148, 154-155, 67 P.3d 902, 905-906 (2003).
- ✓ AG's Office found the matter of mandatory trash pickup and billing issues were of a significant interest to the public. The agenda item was not clear and complete. Public body "cured" violation at next meeting.

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### Public comment You have Choices...



Choice for public bodies between alternatives:

1. **1<sup>st</sup> alternative:** two p.c. periods on each agenda; One before any action item has been considered, and another p.c. period before adjournment. **Or**
2. **2<sup>nd</sup> alternative:** P.c. must be heard before a public body takes action on any action item but after it has discussed the matter. **And** the public body must allow one more period of p.c. before adjournment.
  - **But**, public bodies may augment either, or both alternatives with additional opportunity to comment. Statutory alternatives are minimum requirements – a "floor," not a "ceiling".

NRS 241.020(2)(d)(3)

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**1<sup>st</sup> Amendment:** public comment Issues;  
the OML authorizes a public body to:

- restrict public speakers to the subjects within its supervision, control, jurisdiction or advisory power;
- limit public comment if the “speech becomes irrelevant or repetitious”;
- apply reasonable time limitations;
- limit caustic personal attacks.
- **But it forbids a public body from limiting public comment based on disagreement with “viewpoint” of the speaker.**

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**Public comment pitfalls**

- Halting a citizen’s comment based on belief defamation is occurring.
- Halting comment based on viewpoint of speaker.
- Halting critical comment of public official.
- But ... comment can be stopped if it strays from scope of agenda topic or if an actual disturbance occurs regardless of the topic.

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**Actual disturbance:**

- A person or persons who “willfully disrupts a meeting to the extent its orderly conduct has been made impractical.”
- “removing an individual from a public meeting does not violate the Constitution *provided that* the individual is sufficiently disruptive and is not removed because of his or her [expressed] views”

Dehne v. City of Reno, 222 Fed. Appx. 560, 562 (9th Cir. 2007)

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**Penalty for oml violation:**

- ✓ Member of public body must have participated in action which violated the OML.
- ✓ Fine up to \$500.00
- ✓ 1 year limitations period for bringing an action.
- ✓ This cause of action belongs solely to the Attorney General.

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**Avoiding a violation**

- Enforcement against a member of a public body based on "**participation**" may only occur when the member makes a commitment, promise, or casts an affirmative vote to take action on a matter under the public body's jurisdiction or control when the member knew his/her commitment, promise, or vote was taken in violation of the OML.

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**Remedies if violation occurs**

- AG may seek to void action; and/or seek injunctive relief;
- Corrective action: NRS 241.0365;
- Private lawsuits: NRS 241.037(2);
- Civil monetary fines/Criminal misdemeanor: NRS 241.040.

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The OML exists

“...for the public benefit and should be liberally construed and broadly interpreted to promote openness in government.”

*-Dewey v. Redevelopment Agency of City of Reno, 119 Nev. 87, 94 (2003)*



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Chief Deputy District Attorney  
77.887.2070  
ajfralick@carson.org

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# STAFF REPORT

Report To: Charter Review Committee

Meeting Date: February 26, 2018

Staff Contact: Nancy Paulson, Deputy City Manager

Agenda Title: For Possible Action: Review and discussion on the process and timeline for the 2018 Charter Review Committee and possible direction to staff.

Staff Summary: Discussion on the process to be used for the committee to receive input on possible amendments to the Carson City Charter.

Agenda Action: Formal Action/Motion

Time Requested: 20 mins

## Proposed Motion

Depends on Committee discussion.

## Board's Strategic Goal

N/A

## Previous Action

N/A

## Background/Issues & Analysis

## Applicable Statute, Code, Policy, Rule or Regulation

## Financial Information

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

## Alternatives

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



# Carson City Charter Review Committee

## Background & Process

### **What is a city charter?**

A city charter acts as a constitution for a city. The charter can only be amended or repealed by the Nevada Legislature.

### **When was the City's Charter adopted?**

The City's current charter dates from 1969.

### **What is the purpose of the Charter Review Committee?**

The governing ordinance requires that proposed amendments to the Charter be heard and debated by the Committee, who then advises the Board of Supervisors with regard to recommendations of the Committee that concern necessary amendments to the Charter. Additionally the Committee assists the Board in the timely preparation of such amendments for presentation to the Legislature on behalf of the City.

### **How long will the Charter Review Committee's review take?**

The Committee will meet at least one time in April to consider community input. Additional meetings may be scheduled if it is necessary to review proposed amendments or additions. The Committee will present proposed amendments to the Board of Supervisors in a joint meeting typically scheduled in July.

### **What issues will the Charter Review Committee examine?**

Public input for suggestions will be solicited beginning March 5<sup>th</sup> thru April 6<sup>th</sup>. This includes publishing a notice in the Nevada Appeal stating the Charter Review Committee is accepting recommendations to the City's Charter. Suggestions are also collected online at the City's website - [www.carson.org](http://www.carson.org) and will be publicized through social media forums.

**NOTE:** Committee members wishing to submit a suggested change, or a suggestion that has been sent to them directly, should forward the information to the Chair and the staff liaison to place on a future agenda. All suggestions will be placed on the agenda and attributed to the requestor.



# STAFF REPORT

Report To: Charter Review Committee

Meeting Date: February 26, 2018

Staff Contact: Nancy Paulson, Deputy City Manager

Agenda Title: For Possible Action: To set the date and time for the next Charter Review Committee meeting.

Agenda Action: Formal Action/Motion

Time Requested: 5 mins

## Proposed Motion

I move to schedule the next Charter Review Committee meeting on \_\_\_\_\_ (date)  
at \_\_\_\_\_ (time).

## Board's Strategic Goal

N/A

## Previous Action

N/A

## Background/Issues & Analysis

N/A

## Applicable Statute, Code, Policy, Rule or Regulation

Carson City Charter Sec. 1.090(1).

## Financial Information

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

## Alternatives

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

# Calendar for Year 2018 (United States)

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31

April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7			1	2	3	4	5					1	2	
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7				1	2	3	4							1
8	9	10	11	12	13	14	5	6	7	8	9	10	11	2	3	4	5	6	7	8
15	16	17	18	19	20	21	12	13	14	15	16	17	18	9	10	11	12	13	14	15
22	23	24	25	26	27	28	19	20	21	22	23	24	25	16	17	18	19	20	21	22
29	30	31					26	27	28	29	30	31		23	24	25	26	27	28	29
														30						

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3							1
7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29
														30	31					

Calendar generated on [www.timeanddate.com/calendar](http://www.timeanddate.com/calendar)