

CULTURAL COMMISSION STAFF REPORT

Meeting Date: March 19, 2013

Agenda Item Number: 3F

Applicant: Roger Moellendorf, Parks and Recreation Director
Vern L. Krahn, Park Planner

Request: **For Possible Action:** To recommend to the Board of Supervisors approval of the Cultural Commission's Mission Statement and Bylaws.

General Discussion:

The Cultural Commission is required by the Carson City Municipal Code (CCMC) 2.41.160 (6) to adopt bylaws, and the bylaws are required to be approved by the Board of Supervisors. The Commission previously adopted bylaws in 2008 but they were never formally approved by the Board of Supervisors. On March 26, 2012, the Commission voted to amend the previously approved bylaws and forward them to the Board of Supervisors for approval. *The bylaws amendment included adding 1. GENERAL POLICIES AND PROCEDURES, Section C on Ethics of the Committee Members and Section D on Public meetings and records, adding the following sentence, "Amendments must be reviewed and approved by the Board of Supervisors prior to becoming effective" to IV. AMENDMENT, and to reflect the change in City staffing for the Cultural Commission from the Office of Business Development to the Parks and Recreation Department.*

City staff had planned to take the Commission's bylaws to the Board of Supervisors for approval on April 19, 2012. However, Larry Werner, City Manager, requested that the Board of Supervisors' approval of the Commission's mission statement and bylaws be delayed until the Board could adopt its "Boards, Committees, and Commissions Policies and Procedures" manual. On September 5, 2012, the Board of Supervisors approved the "Carson City, Nevada, Boards, Committees, and Commissions Policies and Procedures" manual.

It wasn't until recently that the Parks and Recreation Department staff has had the chance to review the Board's approved "Boards, Committees, and Commissions Policies and Procedures" manual as it relates to the Cultural Commission's mission statement and bylaws. Staff has identified a number of changes to the mission statement and bylaws and they are indicated in red for the Commission to review (Refer to Exhibit A). Staff is asking the Commission to review the proposed changes referencing the recently approved "Policies and Procedures" manual (Staff reviewed this policy document with the Commission during the previous agenda item.), the CCMC, Title 2, Chapter 2.41 - Carson City Cultural Commission (Exhibit B), and if necessary, recommend any changes.

Due to the extent of possible changes and the number of identified concerns within the document, staff is recommending, at this time the Commission delay action on its mission statement and by-laws until our department can review these changes and discuss these matters with the City's District Attorney's Office.

Recommended Action: I move to recommend to the Board of Supervisors approval of the Cultural Commission's Mission Statement and Bylaws.

CARSON CITY CULTURAL COMMISSION
BY-LAWS

I. GENERAL POLICIES AND PROCEDURES

A. Mission and Purpose of the Carson City Cultural Commission

1. Mission: To facilitate and implement strategies and projects to support artists and arts organizations and to leverage Carson City’s creative talent and cultural assets to spur sustainable economic growth and build regional prosperity. To harness community development, cultural based initiatives promote increased market participation between the business community and cultural organizations, heritage sites, museums, libraries, theaters and art galleries. Staff’s recommendation is to eliminate this paragraph and turn the below “Purpose” statement into the Commission’s “Mission” statement. The below “Purpose” statement is more consistent with the Cultural Commission’s ordinance (Refer to Exhibit B on Page 1 of 4).
2. Purpose: The Carson City Cultural Commission will act as the primary advisory body for the Carson City Board of Supervisors for matters relating to arts and culture. The Commission’s role is also to widen an extensive appreciation of the community’s heritage as it interrelates with culture, history, the arts and humanities. Culture enhances the health, safety, welfare, the physical beauty, the built environment and economic health and prosperity of a community. The Commission serves as the coordinator and catalyst bringing government, the arts & cultural community and the public together for the benefit of all Carson City citizens by making available a current, formal, written plan for financial and programmatic sustainability in terms of economic goals and impact measures. Does the Cultural Commission really want to assume the responsibility of this task highlighted in blue?

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B. Membership and Terms of Office

1. The Carson City Cultural Commission shall consist of seven Commissioners appointed by the Board of Supervisors.
2. Commissioners shall be appointed for a term of three years, commencing and ending on January 1.
3. Terms are sufficiently staggered and Commissioners may serve for twelve years (4 terms), (BOS BCCPP Page 6)
4. Commissioners shall continue to serve after the expiration of their term until a new appointment or reappointment is made, or the member resigns in writing, (BOS BCCPP Page 6)

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5. ~~Commissioners shall attend at least seventy-five percent (75%) of all meetings in the preceding twelve month period. No differentiation is made between excused or unexcused absences of members. (BOS BCCPP Page 6).~~
6. ~~The Parks and Recreation Department assigned to assist the Commission shall advise the Carson City Board of Supervisors of any Commissioner with three absences from regular meetings. Attendance at meetings called outside the regular schedule, are not subject to absence quotas.~~
7. The Board of Supervisors may, by majority vote, remove any of the appointed members of the Commission for cause based on the Board's reasonable discretion (BOS BCCPP Page 8).
8. Vacancies, whether scheduled or unscheduled, shall be filled, by appointment by the Board of Supervisors.
9. Commissioners must be residents of Carson City, registered to vote in Carson City, and must have (BOS BCCPP Page 4) a broad and informed perspective of the arts along with a demonstrated knowledge and responsiveness to the community's rich cultural tradition. There appears to be a conflict between CCMC 2.41.05 Page 2 of 4 and the BOS BCCPP related to the requirement that a Commissioner "be a resident of Carson City"

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C. Ethics of the Committee Members

1. Conflict of interest.
 - a. Members shall comply with State and City regulations related to conflict of interest. However, it is acknowledged any member of the Commission may be indirectly involved with projects under consideration of the Commission. Refer to III DUTIES OF THE COMMITTEE - A3 for further discussion on complying with State and City regulations related to conflict of interest.
 - b. No member shall participate in, take action, cast a vote or lobby other members in relation to any project or proposal before the Commission that relates to a property, business, or other venture in which the member has a financial or vested interest.
 - c. The policy of the Commission is that the appearance of a conflict of interest is as prejudicial in nature for the credibility of the Commission and the City as an actual conflict of interest. Members, on behalf of the good of the Commission and to maintain its public credibility, shall utilize discretion and judgment

and should disclose the appearance of or actual conflict. Parks and Recreation Department staff would like to get some clarification from the City's District Attorney's Office regarding the "appearance of a conflict of interest" and "actual conflict of interest." language in this item.

- d. In the event of a pending matter for which a member wishes to be disqualified, the policy of the Commission shall be that if it is an actual conflict of interest, ~~the member shall leave the proscenium and the meeting room until the matter has been decided.~~ If the matter is an appearance of conflict of interest, the member may, using his or her judgment, remain at the proscenium or step down to the floor, and announce prior to the opening of the public hearing that he or she will be abstaining from this matter.

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- 2. Discretion. Members shall be discreet in the discussion and pending matters outside of the meeting forum. No commitments or prejudicial comments shall be made prior to a public hearing in advance of any official action. Parks and Recreation Department staff would like to have clarification on this item from the City's District Attorney's Office. Does this mean that a Commissioner cannot have any discussion on a pending Commission matter or agenda item before a public hearing at an upcoming Commission meeting?

D. Public meetings and records

- 1. Regular meetings of the Commission shall be open to the public and subject to the provisions of the Nevada Open Meeting Law.
- 2. The City shall provide a Secretary for each and every meeting of the Commission to act as a recorder, vote counter and to take roll. The Secretary must keep minutes and make them available for public inspection, including all resolutions, proceedings and other actions
- 3. The City will keep tape recordings of the meetings together with or separate from a minute record of the meetings containing each of the items before the Commission and the vote taken on each item.
- 4. Commission files shall be public documents, and shall be available for review by members or any member of the public within a reasonable period of time following a request to view such a document at the Parks and Recreation Department or the City Clerk/Recorder's Office.

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II. MEETINGS OF THE COMMITTEE

A. Regular Meetings

1. Regular meetings shall be held quarterly, on the third (3rd) Tuesday of the month, and must be made public. A majority of Commissioners present at any regular meeting may reschedule regular meetings to another day in the same month, or another month or may cancel a regularly scheduled meeting.
2. Roberts Rules of Order shall apply at all times for matters under consideration.
3. If a meeting date is a legal holiday, the meeting will be scheduled for the next available date.

This item was in the wrong section and was duplicated in I GENERAL POLICIES AND PROCEDURES - D2.

Deleted: 4. Carson City will provide a secretary for every meeting to serve as recorder, vote counter and roll taker. The secretary must keep minutes and make them available for public inspection, including all resolutions, proceedings, and other actions.

B. Special Meetings.

1. The Chairperson may, at any time, call for a special meeting. Each commissioner must receive a timely written explanation of the purpose of the special meeting, the time, date and location of the meeting. Any special meeting must comply with the requirements of the Nevada Open Meeting Law.
2. The Chairperson or a quorum of the Commissioners may also call for “non-decision” making workshops subject to the requirements of the Nevada Open Meeting Law.

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C. Notice of Meetings.

1. Meeting notices must conform to the Nevada Open Meeting Law, Nevada Revised Statutes.

D. Officers

1. At the first meeting of each calendar year, the Carson City Cultural Commission shall pursuant to a noticed agenda item elect a Chairperson who shall preside at meetings. The Commission shall then choose a Vice-chairperson. The Vice-chairperson shall preside in the absence of the Chairperson. (BOS BCCPP Page 11). In the absence or disability of the Chairperson and Vice-chairperson, the Commission may designate a Chairperson pro tempore with a quorum present by majority vote.
2. Officers may resign at any time, but must communicate the resignation to the Commission and the Parks and Recreation Department in writing. The Commission will elect a new officer no later than the next regularly

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scheduled meeting, with an officer pro tempore serving in that interim capacity.

3. Officer terms will be for at least one year, but any officer may be removed by majority vote. Officers removed, except those removed for cause, and officers who resign may remain on the Commission for the appointed duration. Officers removed for cause may be removed from serving on the Commission by action of the Carson City Board of Supervisors.

E. Duties of Chair

1. The Chairperson conducts all the Commission meetings. Staff and the Chair confer on meeting agenda items. The chair shall place items on the agenda and additional items may be included, if requested by three or more Commissioners. The Vice Chairperson and the Chairperson pro tempore assume these duties, if necessary.
2. The Chairperson may only serve for two consecutive years. A Commissioner who has served as Chairperson will qualify to be nominated for Chairperson provided that two or more years have passed since the member last served as Chairperson. (BOS BCCPP Page 12).
3. The Board of Supervisor member appointed to the Commission shall not serve as Chairperson or Vice-Chairperson. (BOS BCCPP Page 8)

F. Attendance

1. In each calendar year, Commissioners are expected to attend a minimum of seventy-five percent of regularly scheduled meetings. In addition, Commissioners will make every reasonable effort to attend special meetings, public hearings, workshops and strategic planning sessions.
2. Commissioners may attend meetings by phone, if necessary.

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G. Quorum

1. A majority of Commissioners shall constitute a quorum for the transaction of business. To be considered an approved motion, a vote of a simple majority of Commissioner's present is needed, unless two-thirds vote is required.

H. Resignation

1. Commissioners may resign at any time by providing written notice to the Parks and Recreation Department and the Carson City Board of Supervisors.

III. DUTIES OF THE COMMITTEE

A. Powers, Duties and Functions of the Commission

1. The City Ordinance that established the Carson City Cultural Commission clearly delineates the Commission's powers.

2. ~~Each year, the Commission must submit an annual report and work-plan to the Board of Supervisors no later than May 1 of each year.~~

Deleted: The Commission will adopt for approval by the Carson City Board of Supervisors appropriate rules for conducting the Commission's business.

3. Commissioners must file annual statements of economic interest pursuant to the city's conflict of interest requirement in compliance with Nevada Revised Statutes. CCMC 2.41.060 (9) Page 3 of 4 requires filing annual statements of economic interest to the City's conflict of interest requirement in compliance with Nevada Revised Statutes. Has any Commissioner every completed and turned in this statement?

4. ~~Commissioners shall declare any conflicts of interest on associated agenda items and must abstain from any discussion of or any votes taken in relation to declared conflicts of interest.~~

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4. The Commission's functions may include:

- Fostering public and private partnerships;
- Promoting the advancement of artists and arts groups;
- Celebrating the city for its ethnic diversity, creativity and its leadership in arts and culture;
- Developing a re-grant-funding program to leverage individual and group of artists, cultural groups and arts organizations;
- Providing for cultural and artistic facilities and features in public and commercial construction;
- Establishing an *Art in Public Places* policy that supports the installation of juried, publicly significant art installations and public art components in private development;
- Designating cultural districts, neighborhoods and landmarks throughout the City;
- ~~Providing for incentives for cultural and artistic facilities and features in public and private development.~~
- Promoting a cultural environment that stimulates economic development, cultural tourism and enhanced public participation; and,
- Promoting arts education in the schools and in the public domain that furthers the mission of the Commission. Parks and Recreation Department staff believes this section on Commission's functions

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should not be in the Cultural Commission's by-laws because these functions are covered in the "Mission and Purpose" statements.

5. The Commission's duties may include:

- Acting as or appointing subcommittees;
- If directed by the Board of Supervisors, reviewing and evaluating cultural and special events requests for funding;
- Advising the Board of Supervisors on funding allocations from a Public Art Program fund or other City funds, appropriate for cultural purposes;
- Assist City staff with "Request for Proposals or Statement of Qualifications for the selection of professional services firms in the cultural development field; and,
- Collaborating with the Arts & Culture Coalition, Western Nevada College, Nevada Department of Cultural Affairs, Carson City Convention & Visitors Bureau, Carson City Redevelopment Authority, Carson City Chamber of Commerce and the Downtown Business Association. Collaborating - For what purpose? Parks and Recreation Department staff believes this item should not be in the Cultural Commission's by-laws.

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<#>Determining fees and charges related to cultural facilities;¶
<#>Exercising certain powers and duties that relate to arts and cultural facilities and operations, as delineated in NRS Chapter 244; ¶
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IV. AMENDMENT

The Commission may introduce an amendment to these by-laws at a regularly scheduled or special meeting. The amendment requires a two-thirds vote of the Commission's membership. Amendments must be reviewed and approved by the Board of Supervisors prior to becoming effective.

V. REPORTS AND MEETING PACKETS

The Parks and Recreation Department prepares reports, schedules meetings and ensures that agendas are posted timely and properly. Parks and Recreation Department staff believes this section should not be in the Cultural Commission's by-laws.

Chapter 2.41 - CARSON CITY CULTURAL COMMISSION

Sections:

- 2.41.010 - Purpose of the Carson City cultural commission.
- 2.41.020 - Findings supporting the creation of the Carson City cultural commission.
- 2.41.030 - Creation of the Carson City cultural commission.
- 2.41.040 - Membership and terms of office of the Carson City cultural commission.
- 2.41.050 - Requirements for membership on the Carson City cultural commission.
- 2.41.060 - Duties and powers of the Carson City cultural commission.
- 2.41.070 - Functions of the Carson City cultural commission.
- 2.41.080 - Cooperation of Carson City cultural commission with other private and public entities.
- 2.41.090 - Duties of Carson City to support the Carson City cultural commission and other arts and cultural entities.

2.41.010 - Purpose of the Carson City cultural commission.

The Carson City cultural commission will act as the primary advisory body for the Carson City board of supervisors for matters relating to arts and culture and will serve as the coordinator and catalyst bringing government, the arts and cultural community and public together for the cultural benefit of all Carson City's citizens.

(Ord. 2008-4 § 2, 2008).

2.41.020 - Findings supporting the creation of the Carson City cultural commission.

The Carson City board of supervisors finds that:

1. The creation of the Carson City cultural commission:
 - a. Is necessary to further develop our community's heritage as it relates to culture, history, the Arts and the Humanities.
 - b. Will enhance the interests of the peace, health, safety and welfare of the community.
2. The professions relating to the performing, fine arts and the humanities are essential to human needs and enhance the city's physical beauty, economic health and quality of life.
3. An increase in cultural amenities is crucial to further stimulate economic development and redevelopment.

(Ord. 2008-4 § 3, 2008).

2.41.030 - Creation of the Carson City cultural commission.

1. There is hereby established the Carson City Cultural Commission.

2. The creation of the Carson City Cultural Commission is consistent with the objectives of the community at large as those objectives relate to arts and culture in Carson City.

(Ord. 2008-4 § 4, 2008).

2.41.040 - Membership and terms of office of the Carson City cultural commission.

1. The Carson City cultural commission shall consist of seven members appointed by the board of supervisors.

2. Except as otherwise provided in this subsection, members shall be appointed for a term of 3 years which commence and end on January 1st and may serve for unlimited consecutive terms. For the initial terms of the members of the commission, 2 members shall be appointed to serve a term beginning on the date of appointment and ending on January 1, 2009; 3 members shall be appointed to serve a term beginning on the date of appointment and ending on January 1, 2010 and 2 members shall be appointed to serve a term beginning on the date of appointment and ending on January 1, 2011.

3. A member shall continue in office for the term for which that member was appointed or until a successor is appointed.

4. If a member has three unexcused absences from regularly scheduled meetings of the Carson City cultural commission in a single calendar year, the office of the member shall be declared vacant. Carson City staff assigned to assist the commission shall advise the Carson City board of supervisors of any member with 3 absences from regular meetings. Attendance at meetings called outside the regular schedule, are not subject to absence quotas.

5. The board of supervisors may remove any member of the commission for cause.

6. Vacancies, whether scheduled or unscheduled, shall be filled, by appointment by the board of supervisors.

(Ord. 2008-4 § 5, 2008).

2.41.050 - Requirements for membership on the Carson City cultural commission.

Members of the commission must meet the following qualification criteria:

1. Be residents of Carson City;
2. Have a broad and informed perspective of the arts along with a demonstrated knowledge and responsiveness to the existing arts community and community at large;
3. Represent a cross section of the city's age, multi-cultural, socio-economic, professional, artistic and volunteer diversity;
4. Have an appreciation for Carson City's rich cultural tradition.

(Ord. 2008-4 § 6, 2008).

2.41.060 - Duties and powers of the Carson City cultural commission.

1. At the first meeting of the Carson City cultural commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of

the chair and vice chair, the commission may designate a temporary chair.

2. The commission shall meet at least quarterly and all its meetings shall be open to the public pursuant to the Open Meeting Law.
3. The commission's chair or a majority of the commission may call special meetings.
4. A seat will be deemed filled once the city clerk has sworn in a nominee.
5. The commission shall keep minutes, which shall be available for public inspection, of all of its resolutions, proceedings, and other actions.
6. The commission shall adopt and amend, by the affirmative vote of a majority of the members, rules and regulations for the conduct of the commission's business. Such rules and regulations shall be submitted to the board of supervisors and shall not become effective until approved and ordered.
7. The commission shall submit an annual report and work-plan to the board of supervisors no later than May 1 of each year. Attendance records of members shall be included as part of the annual report.
8. Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest requirement pursuant to Nevada Revised Statutes. Members are expected to declare their conflicts of interest on associated agenda items and must abstain from any votes taken in relation to declared conflicts of interest.
9. The commission may create committees and subcommittees to advise the commission on any of the functions, duties or responsibilities of the commission.

(Ord. 2008-4 § 7, 2008).

2.41.070 - Functions of the Carson City cultural commission.

The functions of the Carson City cultural commission include, but are not limited to:

1. Advising the board of supervisors on matters pertaining to the city's arts and cultural programming.
2. Fostering public and private partnerships for providing arts and cultural programs for the citizens of Carson City, without directly engaging in program management deemed in competition with existing constituent organization programming.
3. Promoting access and awareness for the public to the highest quality arts opportunities possible.
4. Promoting an environment that supports the work and advancement of artists and arts groups and celebrate the city for its ethnic diversity, creativity and its leadership in arts and culture.
5. Making recommendations to the board of supervisors regarding grants-in-aid to individual and group of artists, cultural groups and arts organizations.
6. Encouraging the provision of cultural and artistic facilities and features in public and commercial construction.

7. Facilitating and promoting the establishment of an Art in Public places policy that supports the installation of publicly significant art installations, and encourage the inclusion of public art components in private development.

8. Helping to identify and designate cultural districts, neighborhoods and landmarks throughout the city.

9. Promoting a cultural environment that stimulates economic development, cultural tourism and enhanced public participation.

10. Promoting greater arts education in the schools and through programs accessible to the public.

(Ord. 2008-4 § 8, 2008).

2.41.080 - Cooperation of Carson City cultural commission with other private and public entities.

1. The commission may act in the capacity of a peer panel:

a. To select public art and art in public places;

b. To review and evaluate requests for funding; and

c. To advise on the allocation of funds from a cultural trust fund and other general fund revenues appropriated to the arts.

2. From time-to-time, the commission shall make recommendations to the board of supervisors on the selection of professional management firms and staff to administer the city's arts and cultural program and initiatives.

3. The commission will work with its partners in the community including, but not limited to, the Carson City Arts & Culture Coalition, Western Nevada College, Nevada Department on Cultural Affairs, Carson City's Convention & Visitors Bureau, the Carson City Redevelopment Authority and Carson City's future downtown business improvement district.

(Ord. 2008-4 § 9, 2008).

2.41.090 - Duties of Carson City to support the Carson City cultural commission and other arts and cultural entities.

Carson City shall provide staff support to the Carson City cultural commission, local and regional philanthropic organizations and foundations, and various partner organizations affiliated with the Carson City Arts & Culture Coalition.

(Ord. 2008-4 § 10, 2008).