

**CULTURAL COMMISSION  
STAFF REPORT**

**MEETING DATE:** June 18, 2013

**AGENDA ITEM NUMBER:** 3F

**APPLICANT:** Roger Moellendorf, Parks and Recreation Director  
Vern L. Krahn, Park Planner  
Tina Russom, Deputy District Attorney

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

**GENERAL DISCUSSION:**

On Tuesday, March 19, 2013, the Cultural Commission reviewed its previously adopted mission statement and bylaws with City staff. At that time, it was determined the Commission should delay any action on changing its mission statement and/or bylaws until the Parks and Recreation Department and the City's District Attorney's Office had a chance to review the document in more detail.

In order to guide the review and re-writing of the Commission's mission statement and bylaws, City staff developed the following general criteria to restructure the document. This criteria is as follows:

- 1) Elimination of any duplicate language found in the City ordinances (CCMC, Title 2, Chapter 2.41) that established the Cultural Commission;
- 2) Elimination of any duplicate language found in the Board of Supervisor's "Boards, Committees, and Commissions Policies and Procedures" manual;
- 3) Elimination of any language that discussed City staff's responsibility to comply with Nevada Open Meeting Law requirements and other meeting administrative duties; and
- 4) Develop language to identify the administration and running of the Commission meeting.

Staff would like to review with the Commission these proposed revisions to the mission statement and bylaws at this meeting (Exhibit A).

**RECOMMENDED ACTION: (Two Options)**

A) I move to recommend to the Board of Supervisors approval of the Cultural Commission's Mission Statement and Bylaws, as presented.

B) I move to recommend to the Board of Supervisors approval of the Cultural Commission's Mission Statement and Bylaws, with the following changes.

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

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

CARSON CITY CULTURAL COMMISSION  
BY-LAWS

I. GENERAL POLICIES AND PROCEDURES

A. Mission of the Carson City Cultural Commission

Mission: 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.

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. Commissioners may serve for twelve years (4 terms).
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.
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.
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.
8. Vacancies, whether scheduled or unscheduled, shall be filled, by appointment by the Board of Supervisors.

**Deleted:** and Purpose

**Deleted:** 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). ¶

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2. . Purpose

**Comment [T1]:** This portion is in CCMC 2.41.010

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**Deleted:** unlimited consecutive terms.

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**Deleted:** in office for the term for which that Commissioner was appointed or until a successor is appointed.

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**Deleted:** (BOS BCCPP Page 6) has three unexcused absences from regularly scheduled meetings of the Carson City Cultural Commission in a single calendar year, that Commissioner's seat is declared vacant. ¶

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**Comment [T2]:** BOS pg 3 and pg 4; section on methods of appointment. Also CCMC 2.41.040(6)

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9.

**Deleted:** 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 ... [1]

C. Conduct of the Committee Members

**Deleted:** Ethics

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.

**Deleted:** 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. All members of the commission must avoid any conflict of interest. No individual may use an official position to gain personal advantage. If a member of the commission concludes they have a conflict of interest or an appearance of fairness issue with respect to a matter pending before the commission, they must disqualify themselves from participating in the deliberations and decision-making process for the matter under consideration.

**Deleted:** 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.

d. Any member disqualifying himself or herself shall have no personal presence before or direct communication with the other members regarding the matter at issue. The member shall announce prior to discussion on the topic, that he or she will be abstaining from this matter.

**Deleted:** 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. ¶

e. The failure to disclose a conflict of interest may be cause for removal from the commission.

**Deleted:** 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 as described in I. B. 1. b., 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

2. Lobbying

a. Unless expressly authorized by the Board of Supervisors, no commission or member of a commission or committee shall engage in lobbying on legislative or political matters on behalf of the board, commission, or committee of Carson City. Nothing in this policy precluded individual appointees from lobbying or providing information as a private citizen provided the appointee specifically clarifies that while he or she holds an appointed position, the appointee is acting in a private capacity and not in his or her capacity as an appointed member of a board, commission, or committee or on behalf of the City. In that regard, individual appointees should refrain from lobbying as a private citizen in a way that implies authority to speak on behalf of the City or the public body to which they are appointed.

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II. MEETINGS OF THE COMMITTEE

A. Regular Meetings

1. Regular meetings shall be held quarterly, on the third (3<sup>rd</sup>) 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.

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.

C. Notice of Meetings.

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. 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

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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?¶

Deleted: 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 Commission will may cause to be kept 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.¶  
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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/Rec( ... [2]

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Commission will elect a new officer no later than the next regularly 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.
3. The Board of Supervisor member appointed to the Commission shall not serve as Chairperson or Vice-Chairperson.

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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.

Deleted: Excused absences for illness and family emergencies are not counted as absences in a Commissioner's attendance record.

G. Quorum

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.

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H. Resignation

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

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III. DUTIES OF THE COMMITTEE

A. Powers, Duties and Functions of the Commission

The City Ordinance that established the Carson City Cultural Commission delineates the Commission's powers. In addition to those outlined in the ordinance, the Commission's duties may also include:

- 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.

IV. AMENDMENTS

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.

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2. .

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

**Deleted:** 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.¶  
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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.¶  
¶  
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 Place ... [4]

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V. . REPORTS AND MEETING PACKETS ¶  
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The Parks and Recreation Departm ... [5]

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"

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 Commission will may cause to be kept 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.

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

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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;  
Promoting new policies to build green, reduce power sector demands and support incentives to green up our existing built environment;  
Providing for incentives for cultural and artistic facilities and features in public and private development. commercial construction;  
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 should not be in the Cultural Commission's by-laws because these functions are covered in the "Mission and Purpose" statements.

5. Th

## 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.