

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the August 10, 1996 Special Workshop Meeting
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A special workshop meeting of the Carson City Regional Planning Commission was held on Saturday, August 10, 1996 in the Community Center Sierra Room, 851 East William Street, Carson City, NV at 10:00 a.m.

PRESENT: Chairperson Alan Rogers
Vice Chairperson Verne Horton
William Mally
Archie Pozzi, Jr.
Deborah Uhart

STAFF: Walter Sullivan, Community Development Director
Mark Forsberg, Deputy District Attorney
(PCS 8/10/96 1-0000.5)

A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE - Vice Chairperson Horton called the meeting to order at 10:00 a.m. A roll call was taken and a quorum was present although Chairperson Alan Rogers had not yet arrived and Commissioners Christianson and Wipfli were absent.

B. PUBLIC COMMENT - None.

Chairperson Rogers arrived at 10:03 a.m.

C. WORKSHOP (NON-ACTION) ITEMS

2. DISCUSSION REGARDING THE COURTS AND PLANNING COMMISSION - (1-0039.5)
Mr. Forsberg said he would be explaining what the courts look at when they review decisions made by the Commission and Board of Supervisors. He noted that the courts almost never disturb what is done by the Commission and the Board of Supervisors. He added that it is not difficult to meet the standards for making a decision that is not arbitrary and capricious. He said all that is needed is for the Commission to have some reason for doing what it does. He said it all starts with the idea of due process which is a constitutional issue that is imposed on any public deliberation. He remarked there are two kinds of due process and explained.

(1-0085.5) Mr. Forsberg said that the Commission's concern is called procedural due process which requires that someone being affected by a government action has a right to a notice of the action and a hearing. He added that the Nevada Open Meeting Law provides due process because it forces all public deliberations to be held in public. He noted that is the reason why agendas have to be very particular so that anybody who reads them will know what is going to happen. He said that is why meetings such as this workshop have to be agendaized even if no deliberation or action will take place.

(1-0125.5) Mr. Forsberg said another thing openness embodies is that it is known where a meeting will be held. He then commented that this Commission is much more formal than other groups such as the Shade Tree Council, the Carson River Advisory Committee, etc. because those groups are advisory and do not actually do anything whereas the Commission takes action on issues and problems.

(1-0145.5) The next subject was Public Comment. Mr. Forsberg said the best way to handle this is to listen but not engage in a discussion as to the merits of the subject being commented on. He added if the Commission feels there is something in public comment that should be agendaized for a meeting they should advise the speaker to contact Community Development and request it. Discussion ensued on how to keep public comment from becoming a free for all.

(1-0201.5) Mr. Forsberg then talked about what happens after the Commission makes a decision. He said the courts analyze what goes on at these meetings. He added that all the Commission's actions are discretionary. He emphasized that this is important because it relieves the Commission from any liability on what it decides. He said this makes it impossible for someone to get a court to order the Commission to act in a certain way. He provided details on the process the courts use.

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(1-0375.5) A lengthy discussion ensued on the ways each of the Commissioners make their decisions and that they cannot let their personal feelings on an issue enter into how they vote. Also included in the discussion was Mr. Sullivan's input from staff's perspective.

1. DISCUSSION REGARDING MEETING MANAGEMENT SKILLS WHICH WILL INCLUDE VIEWING "A MOCK COMMISSION HEARING" VIDEO - (1-1819.5) Mr. Sullivan provided details on "what if" scenarios and responded to questions from the Commissioners. He also had literature on many of the things the Commission needs to know on procedures, what statutes say, zoning, etc. At this point the video was shown. During the presentation Commissioners and staff made comments on some of the subject matter being shown. After the video Commissioners and staff discussed how they could relate to what they had seen. They also discussed how to handle disruptive people or incidents.

3. DISCUSSION REGARDING THE CARSON CITY PLANNING COMMISSION BY-LAWS - None.

4. OPEN DISCUSSION - None.

D. NON-ACTION ITEMS - Mr. Sullivan also commented on literature and tapes he had regarding planning topics which he offered to the Commission for their information.

No action was taken nor required on any of the above items.

E. ADJOURNMENT - There being no further business Chairperson Rogers entertained a motion to adjourn. Commissioner Pozzi moved to adjourn. Commissioner Horton seconded the motion. Motion carried 5-0. Chairperson Rogers then adjourned the meeting.

A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

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The Minutes of the special August 10, 1996 workshop meeting of the Carson City Regional Planning Commission

ARE SO APPROVED September 25, 1996

/s/
Alan Rogers, Chairperson