

**OPEN SPACE ADVISORY COMMITTEE
and
PARKS AND RECREATION COMMISSION
STAFF REPORT**

MEETING DATE: August 17, 2015

AGENDA ITEM NUMBER: 3B

STAFF: Roger Moellendorf, Parks & Recreation Director

REQUEST: For discussion only to review the authority and responsibility of the Open Space Advisory Committee and the Parks and Recreation Commission as stated in the respective enabling ordinances.

GENERAL DISCUSSION: Attached, members will find the enabling ordinances relevant to each Committee / Commission.

RECOMMENDED ACTION: This agenda item is for informational purposes only. No formal action can be taken at this time.

Chapter 2.16 - CARSON CITY PARKS AND RECREATION COMMISSION

Sections:

2.16.010 - Organization.

1. There is hereby established pursuant to NRS 244.3071 et seq. a commission to be known as the Carson City parks and recreation commission.
2. This commission shall consist of nine members who shall be appointed by the board.
3. The commission shall be composed of one member who shall be a member of the Board of Supervisors, and one member who shall be a member of the Board of Trustees of the Carson City School District. The remaining members shall be qualified electors of Carson City and appointed, where possible, from a diverse cross-section of the community. That cross-section should consist of but not be limited to: service groups, professional parks or maintenance groups, adult sports groups, youth sports or service groups, environmental interest, and general public.

(Ord. 2005-17 § 1, 2005: Ord. 1991-56 § 1, 1991: Ord. 1981-45 § 1, 1981: Ord. 1974-10 § 1, 1974).

2.16.020 - Membership requirements.

Members of the Carson City parks and recreation commission shall be qualified electors of Carson City.

(Ord. 1981-45 § 2, 1981).

2.16.030 - Term of office.

1. All terms will be for four (4) years except the term of the student shall be for one year.
2. Members whose terms have expired shall continue to serve until their successors have been appointed.
3. Terms of office shall commence and end on January 1st.

(Ord. 1991-56 § 2, 1991: Ord. 1985-36 § 1, 1985: Ord. 1985-28 § 1, 1985).

2.16.040 - Meetings and officers—Legislative procedure—Removal of commissioner—No compensation.

1. The commissioner shall schedule at least one regular meeting each month.
2. The commission shall meet in regular session and shall elect from their members a chairman and a vice-chairman at the first regular meeting conducted each calendar year. Officers shall hold office for one calendar year or until their successors are named.
3. The city shall provide a secretary for each and every meeting of the commission.
4. The commission shall by recorded vote, adopt rules and regulations for governing procedure and shall adopt appropriate by-laws by which to be governed.
5. A majority shall constitute a quorum.
6. The commission shall schedule at least one meeting each month in regular session with the director of the park and recreation department or director's designated representative.
7. The commission members shall receive no compensation.

(Ord. 1991-56 § 3, 1991).

2.16.045 - Removal for cause.

Upon recommendation of the park and recreation commission the board may remove for cause any commissioner for:

1. Dereliction of duty, or
2. Nonparticipating, or

3. Nonattending, or
4. For any other reason shown as just cause.

(Ord. 1991-56 § 4, 1991).

2.16.050 - Duties and responsibilities.

1. The commission shall act in advisory capacity to the board.
2. The commission shall cooperate with other governmental agencies and civic groups in the advancement of sound recreation planning.
3. The commission shall:
 - a. Recommend policies on park and recreation services;
 - b. Advise on acquisition and development of park and recreation areas and facilities;
 - c. Aid in coordinating park and recreation services with the programs of other governmental agencies and voluntary organizations;
 - d. Aid and advise the fair and recreation board;
 - e. Make recommendations to the board on acceptance of bequests of real property, equipment and moneys for park and recreation purposes;
 - f. Review and make recommendations concerning the park and recreation department's capital budgets; and
 - g. Review and make recommendations to the board concerning the acceptance and spending of the residential construction tax.

(Ord. 2007-16 § 1, 2007: Ord. 2005-17 § 2, 2005: Ord. 1991-56 § 5, 1991).

2.16.060 - Severability.

If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not impair the other provisions of this chapter. To this end the provisions of this chapter are declared to be severable.

(Ord. 1991-56 § 6, 1991).

Chapter 13.06 - OPEN SPACE

Sections:

13.06.010 - Purpose.

In the broadest sense, the objective of the open space program is to promote quality of life for citizens of Carson City through the preservation and protection of the quality of the natural environment which has given Carson City much of its character. This natural environment includes many spectacular views of the mountains, Carson River, and Eagle Valley. The natural streams, wetlands and open lands, with their water and related plant and animal life complement the scenic vistas and remind us of the area's early history. These natural areas, water bodies, vistas and panoramas, natural landmarks, and native flora and fauna are intended to be preserved and protected for the enjoyment of this and future generations by the judicious use of funding for open space.

As Carson City continues to grow, open spaces should be provided and woven into the fabric of the city. These open spaces may define developed areas within the community, and in certain areas may define the boundary of the city. They are intended to obtain a balance and harmony between physical development and open space for the benefit of Carson City citizens. Preservation of open space in all parts of the city will foster appreciation of the natural environment, provide increased opportunities for passive recreation, preserve agricultural uses, allow connecting open space corridors, and improve the quality of life.

Carson City encourages residents of this community and other concerned persons or parties to donate certain lands or funds for use in the open space program. The board of supervisors may by resolution accept properties not acquired with open space funds into the open space program after a recommendation from the open space advisory committee.

The open space advisory committee shall provide the oversight over the administration and expenditure of funds from the open space division of the quality of life special revenue fund established by Carson City Municipal Code 21.07. The funding for open space including interest and other income, may be used for the acquisition, restoration of natural resources, development and construction which afford for public access, health and safety, equipping, improvement, maintenance, conservation planning and management of real property for open spaces acquired through the fund; and administrative costs approved by the committee.

(Ord. 1997-30 § 1 (part), 2, 1997).

13.06.020 - Creation of an open space advisory committee.

There is hereby created an open space advisory committee, hereinafter referred to as the committee, consisting of seven (7) members appointed by the board of supervisors.

(Ord. 1997-30 § 1 (part), 3, 1997).

13.06.030 - Committee membership.

1. The members of the committee shall be residents of Carson City, and qualified electors. The members shall be selected on the basis of expertise in the areas of natural resources, real estate, community planning, community development, outdoor recreation/education or knowledge of the community.

(Ord. 1997-30 § 1 (part), 4, 1997).

13.06.040 - Term of office and vacancies.

Members of the committee shall serve for varying term lengths not to exceed four (4) years, provided that the first seven (7) members appointed to the committee shall be appointed two (2) for a two (2) year term, two (2) for a three (3) year term and three (3) for a four (4) year term so that thereafter members shall serve for staggered terms of like duration. (Vacancies shall be filled by board of supervisors from appointed alternates. If an alternate is not available, the vacancy shall be filled for the remainder of the term in the same manner that original appointments are made).

(Ord. 2001-1 § 1, 2001; Ord. 1997-30 § 1 (part), 5, 1997).

13.06.050 - Removal from committee.

1. The board of supervisors may remove a committee member for cause.

(Ord. 1997-30 § 1 (part), 6, 1997).

13.06.060 - Powers and duties of open space advisory committee.

1. The committee shall develop an open space element to the Carson City master plan for adoption by the regional planning commission. The committee shall identify and prioritize for the city potential open space acquisitions and make appropriate recommendations. The committee shall obtain and consider public input before making recommendations to the board of supervisors on prospective open space acquisitions, disposal, and management. The committee shall review and provide input and comment to the city manager's proposed budget as it relates to open space matters. The committee shall solicit comments of other affected advisory committees and commissions of Carson City. The committee shall also perform other duties as may be specifically assigned to it by the board of supervisors.
2. The committee in developing the open space element to the Carson City master plan, and in selecting open space lands for possible acquisition and preservation, shall be consistent with the intent of the 1996 ballot explanation, which was: The committee will work to sustain natural and scenic resources and the long-term quality of life in Carson City. And, acquisition of open space land will help preserve mountains, hills and scenic resources, conserve wildlife habitat, protect our drinking water sources and allow outdoor enjoyment of natural areas. Open space, which is defined as undeveloped land with valued natural resources, will be acquired from willing sellers, or by other mutually agreeable methods.
3. Open space will be acquired and maintained as conservancy areas to be used for the following purposes:
 - a. To provide off-street bicycle, hiking and equestrian trails, and trailhead facilities that connect parks, schools and the valley with the mountains.
 - b. To safeguard water resources: watershed areas, water-well sites and designated groundwater recharge areas.
 - c. To safeguard waterway corridors, floodplains, wetlands, streams and the Carson River.
 - d. To develop regional detention areas and protect floodplains.
 - e. To safeguard scenic vistas and enhance the gateways to our city.
 - f. Utilization of land for shaping the development of the city and defining growth by establishing an urban boundary.
 - g. Strategic acquisitions of land to allow for outdoor relaxation, education and future park settings.
 - h. Preservation or enhancement of significant natural areas, wildlife and culturally important lands.
 - i. Connecting open space corridors.

(Ord. 1997-30 § 1 (part), 7, 1997).

13.06.070 - Organization and procedure of the open space advisory committee.

1. The committee shall elect a chair and a vice-chair. The committee shall keep minutes and records of its meetings and transactions.

2. The committee shall have regular meetings not less than once a month, unless otherwise determined by the committee.
3. Four (4) members of the committee shall constitute a quorum. An affirmative vote of a majority of the members present shall be necessary to authorize any action by the committee, except as otherwise expressly provided herein.

(Ord. 1997-30 § 1 (part), 8, 1997).

13.06.080 - Prohibited interest/confidentiality.

Any member appointed to the committee shall, upon the acceptance of such appointment, be deemed as having agreed to not disclose any data, the contents of any report or appraisal, or any information of whatsoever nature concerning any specific, prospective open space acquisition, to any person or entity except to other committee members, to members of the board of supervisors, to city staff members whose specific duties include the administration of the city's open space program, or as such disclosure may be required pursuant to court order. Any member who violates the conduct of confidentiality requirements shall be subject to being summarily suspended from the committee and such a violation may be deemed cause for removal.

(Ord. 1997-30 § 1 (part), 9, 1997).

13.06.090 - Annual report.

The committee shall provide an annual report of its activities to the board of supervisors.

(Ord. 1997-30 § 1 (part), 10, 1997).

13.06.100 - Preservation of land.

Generally, lands acquired with open space funds shall be preserved and managed in a near natural condition. Such lands might include scenic vistas, wetlands, streams, floodplains, trail corridors, agricultural lands, highly visible natural areas along major streets and open space buffers. Open space land will generally be open for passive recreation improvements developed where appropriate and environmentally compatible. Examples of compatible passive recreation include hiking, bicycling, equestrian trail uses, nature study, interpretive facilities, wildlife habitat, fishing and photography, or similar compatible uses. Development of traditional, active recreational facilities, such as athletic fields, swimming pools, and tennis courts are precluded. Shared participation in multi-use lands is possible. The open space element of the Carson City master plan, public hearing process and criteria developed by this committee shall provide direction for the acquisition of open space.

(Ord. 1997-30 § 1 (part), 11, 1997).

13.06.110 - Leasing open space lands.

Certain open space properties may be leased for continued open space agricultural uses such as farming or grazing. This approach can provide a link to Carson City's past, protect the land from development and can shift some maintenance costs to the leasee. Generally, the leased properties will continue to afford access for passive enjoyment, to the extent feasible.

(Ord. 1997-30 § 1 (part), 12, 1997).

13.06.120 - Disposal of open space lands and grants of exclusive licenses/permits.

In certain cases, it may be necessary to acquire a larger property in order to preserve a portion of the property as open space. In such cases, the city may dispose of the remainder. No open space lands may be sold, leased (does not include agricultural lease), traded, or otherwise conveyed, nor may any exclusive license

or permit on such open space land be given until approval of such disposal or license or permit by the board of supervisors. The committee must hold a public hearing on a proposed disposal or license or permit. The city may not dispose of such lands or give any exclusive license or permit without a recommendation from the committee. The quality of life open space division shall be reimbursed the current market value of the disposed land at the time of its sale, or the cost of that land at the time of its original acquisition, whichever is higher.

(Ord. 1997-30 § 1 (part), 13, 1997).

13.06.130 - Statement of deed.

Any deed conveying to the city open space property that was purchased using open space funds shall contain the notation "This land was purchased with Quality Of Life Sales And Use Tax Funds, and is subject to provisions of the Carson City Municipal Code 13.06."

(Ord. 1997-30 § 1 (part), 14, 1997).

13.06.140 - Maintenance and management.

Except as otherwise provided in this chapter, open space land may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or provide for passive recreation uses such as hiking, bicycling, equestrian and trailhead facilities, nature study, interpretative facilities, wildlife habitat, fishing and photography or similar compatible uses. It may be necessary to close an open space property temporarily, or seasonally, to protect a natural resource, or to make the property safe for public enjoyment. Maintenance and operation funds for open space acquired lands may be made available from the quality of life special revenue fund. The open space element of the Carson City master plan shall provide direction for the maintenance and management of open space lands pursuant to this chapter.

(Ord. 1997-30 § 1 (part), 15, 1997).

13.06.150 - Other public lands.

Funding for open space may be used for passive recreation improvements on other public lands, including federal, state and city-owned lands, maintained in a predominately undeveloped state within Carson City. Examples of compatible passive recreation improvements include trails, bicycling, equestrian and trailhead facilities, nature study, interpretative facilities, wildlife habitat, fishing and photography, or similar compatible uses.

(Ord. 1997-30 § 1 (part), 16, 1997).