



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** April 19, 2018

**Staff Contact:** Nick Marano, City Manager

**Agenda Title:** For Possible Action: To consolidate the Open Space Advisory Committee and the Parks and Recreation Commission into one formal advisory board to be renamed as the Parks, Recreation and Open Space Commission; and authorize the City Manager to initiate recruitment for the Commission; and further direct the District Attorney's Office to draft amendments to the appropriate Carson City Municipal Codes for future Board of Supervisor's consideration to support these actions. (Nick Marano, nmarano@carson.org)

**Staff Summary:** The City Manager is required to conduct an annual review of all boards and commissions not required by state law to ensure their usefulness and necessity. After careful review and consideration, it is recommended to combine the Open Space and Parks and Recreation boards to improve efficiencies and communication, reduce administrative costs and duplication of effort, and provide better service to citizens. The Parks and Recreation Director is also in support of this direction.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 10 Minutes

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## **Proposed Motion**

"I move to consolidate the Open Space Advisory Committee and the Parks and Recreation Commission into one formal advisory board to be renamed as the Parks, Recreation and Open Space Commission; and authorize the City Manager to initiate recruitment for the Commission; and further direct the District Attorney's Office to draft amendments to the appropriate Carson City Municipal Codes for future Board of Supervisor's consideration to support these actions."

## **Board's Strategic Goal**

Efficient Government

## **Previous Action**

None

## **Background/Issues & Analysis**

The Carson City Open Space Advisory Committee (OSAC) was established in an advisory capacity to the Board of Supervisors in 1997 by ordinance, after voters approved a sales tax initiative in 1996. The seven member committee has provided valuable oversight on "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."

OSAC has made a lasting impact on Carson City and its future generations. They have championed acquisition of thousands of acres open space consisting of important regional trail corridors, sensitive wildlife habitat, and natural resources crucial to preserving the community's water quality. OSAC has promoted numerous interpretive education opportunities, encouraged leveraging of tax payer dollars with grants, and advocated for benefit of the community.

In 2017, the Department of Parks, Recreation, and Open Space completed a Strategic Plan and reorganized to improve interdepartmental communication and reduce silos. Consolidation of OSAC and the Parks and Recreation Commission would help support this direction. There will also be cost savings associated with managing OSAC to ensure compliance with the open meeting law (staff expenses in parks, DA, recording secretary, posting etc.).

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

NRS 244.308 to 344.3091 inclusive

CCMC Chapter 2.16 - Parks and Recreation Commission

CCMC Chapter 13.06 - Open Space

CCMC Title 13 - Parks and Recreation

Question 18 Quality of Life Ballot Initiative of 1996

AB 237, March 5, 1997 Nevada Legislature

Carson City Boards, Committees and Commissions Policies and Procedures

**Financial Information**

Is there a fiscal impact? ☒ Yes ☐ No

If yes, account name/number: Internal service charge - Open Space

Is it currently budgeted? ☒ Yes ☐ No

Explanation of Fiscal Impact:

There will be cost savings associated with managing OSAC to ensure compliance with the open meeting law (staff expenses in parks, DA, recording secretary, posting etc.).

**Alternatives**

Do not accept the recommendation to consolidate the boards and retain both OSAC and the Parks and Recreation Commission.

**Board Action Taken:**

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

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

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

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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(Vote Recorded By)

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Date: 4/8/2018  
To: Nick Marano, City Manager  
CC: Jason D. Woodbury; Adriana Fralick  
From: Iris Yowell  
Re: 1996 Question 18 Ballot Measure and Combination of Boards

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## Opinion

### Question:

You asked us to investigate whether it is permissible to combine the Parks and Recreation and the Open Space Advisory Boards without running afoul of the Quality of Life Initiative (Question 18) ballot measure that was passed by Carson City voters in 1996, and authorized by Assembly Bill 237 in the Nevada Legislature on March 5, 1997.

**Short Answer:** Yes.

### Background:

The Open Space Advisory Board was created after Question 18 was passed by Carson City voters in 1996 and the Nevada Legislature authorized a .0025% increase in the sales tax rate to fund the purpose of the initiative through AB 237 on March 5, 1997.<sup>1</sup>

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<sup>1</sup> See <http://carson.org/home/showdocument?id=37739>. See also: <http://search.leg.state.nv.us/isisquery/4c57c459-aeff-40a7-9930-199082cb4152/1/doc/AB237.HTM>

The purpose of the Question 18 initiative was to fund the “acquisition, development and maintenance of parks, open space, trails and recreation facilities. . .” The fund was to be kept separate and apart from the City’s general fund, so it would provide a dedicated funding source to develop and maintain park and recreation facilities, as well as acquire open space land.<sup>2</sup>

AB 237 generally requires the use of the proceeds of the tax to adhere to a 40/40/20 split – 40% is to be used for acquisition, development, construction, equipping, improvement, maintenance and management of real property for open spaces, 40% is to be used for the acquisition, development, construction, equipping and improvement of parks, trails and recreational facilities, and 20% is to be used for the operation, maintenance and management of parks, trails and recreational facilities.<sup>3</sup>

Currently Carson City has two boards that fulfill portions of the purpose of Question 18: 1) The Carson City Parks and Recreation Commission, and 2) The Carson City Open Space Committee. Both are advisory boards to the Board of Supervisors.<sup>4</sup>

The Carson City Board of Supervisors is authorized to combine the current two commissions and also to create a new county park commission pursuant to the power granted by NRS 244.308 to 344.3091, inclusive, that will provide oversight over the administration and expenditure of the quality of life special revenue fund established by Carson City Municipal Code 21.07.<sup>5</sup>

The new commission must be named by the Board of Supervisors and comply with the requirements of NRS 244.308 to 344.3091, inclusive. Additionally, although not specifically stated in AB 237, the intent of question 18 would be best served by the Board of Supervisors appointing members to the new commission that have expertise in the areas of natural resources, real estate, community planning, community development, outdoor recreation or education, or knowledge of the community.

### **Conclusion**

It is permissible to combine the two Boards and doing so would not run afoul of the question 18 initiative as long as the proceeds of the tax are used in the manner for which it was intended.

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<sup>2</sup> *Id.*

<sup>3</sup> <http://search.leg.state.nv.us/isysquery/4c57c459-aeff-40a7-9930-199082cb4152/1/doc/AB237.HTM>

<sup>4</sup> See CCMC 2.16 and CCMC 13.06.

<sup>5</sup> See NRS 244.308 to 344.3091 inclusive; See also CCMC 21.07.

**From:** Margie Evans

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Hi Mr. Marano,

I want to be on the record that I think the consolidation is a mistake. I feel that the meeting with Ms. Budge and Ms. Bagwell was not productive in that it seemed that Ms. Bagwell had already decided that the consolidation was a good idea, although when I brought it up at the meeting, she said that was not the case.

The current Open Space Advisory Committee has been tasked with managing approximately 66,000 acres of Open Space property that has different issues and concerns for passive recreation that the Parks Commission does not need to address for the parks properties. The Quality of Life Initiative created Open Space for a specific purpose, understanding that Open Space and Parks were two different "animals." They were created with different goals and objectives and I believe the Parks Commission and Open Space Advisory Committee have worked very well toward meeting those goals and continuing to support the mission and vision of the Carson City Parks Department in their separate ways.

Open Space Advisory Committee members have all actively worked to assist an under-staffed Open Space Organization to move projects forward without impacting budget or needing for the city to provide additional staff. In 2006 the Open Space staff requested direction from the community in how best to move forward with Open Space properties (the Silver Saddle Charette). The Open Space Advisory Committee members have used that planning tool to realize the vision of that workshop. Parks and Recreation Commission does not have that history or institutional knowledge that has been informing the Open Space Committee.

I do not believe that you have received a fair and unbiased assessment of the Open Space and Parks efforts. I would state all of this at the Board of Supervisors meeting on April 19, except that I will be out of town and unable to attend. Please ensure that all members of the Board of Supervisors understand the full implications of consolidating the two groups who have very different directives and missions.

Respectfully,

Margie Evans

Voting resident and Open Space Advisory Committee member