

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
January 7, 2013, 6:00 p.m.

Call to Order and Roll Call:

Mayor Cliff Eklund called the meeting of the City Council to order at 6:04 p.m.

Council Members Present: Mayor Cliff Eklund
Vice Mayor Donnetta Skinner
Councilperson Bob DeMars
Councilperson Jay Duke

Absent: Councilperson Steve Feasel

1. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson
2. Present: Angie DeMars, Dana Holbrook, Wayne Carlson, Jeff Williams

Pledge of Allegiance

I. Administration of the Oath of Office by the City Clerk to Councilperson Jay Duke and Councilperson Bob DeMars, newly elected or re-elected City Officials taking office on this date pursuant to Carlin City Charter, Article V, Section 5.090. (Non-Action Item)

1. Mayor Cliff Eklund welcomed the new Council Members.
2. The Roll call was done after the Members were given the Oath of Office.

II. City Council Training and orientation conducted by Wayne Carlson, Executive Director, Nevada Public Agency Insurance Pool/Public Agency Compensation Trust. (Non-Action Item)

1. Wayne Carlson, Executive Director, Nevada Public Agency Insurance Pool/Public Agency Compensation Trust, stated the Workshop would cover three (3) topics: General topic of Governance, Open Meeting Law and Ethics. He explained that the new members just went through the transition of a citizen to a leader. He stated they would be faced with other information and circumstances they would not be faced with as a citizen. He explained they would be competing interests and they would have to make judgments. He discussed the sheets in the packet concerning the General Governance topic, noting the members do not have power individually, only as a Council. He stated POOL/PACT has an HR Support unit that can help. He stated the members work for everyone, even those who did not vote for them and the Board has to speak with one voice.
2. Mayor Cliff Eklund stated he did not know a Mayor could veto a vote.
3. City Clerk LaDawn Lawson stated the City Charter designates the powers and the members can research that document.
4. Wayne Carlson suggested they read the documents, the Charter, statutory rules and powers. He stated positive approaches bring positive responses. He stated some people are visual, auditory or kinesthetic. He stated listening to each other might allow them to see how the other members communicate best and would bring understanding. He discussed the components that define a dysfunctional board. He explained that confusion about the respective roles or members and administration can be detrimental and suggested that the members again educate themselves on those roles. He stated the members should be the eyes and ears for the City and bring information, not direct. He stated the goal of regulation is to balance the health and safety of the public against the needs of a business to operate effectively. He noted decisions have to be well thought out in order not to be intrusive. He stated one of the elements of the positive governance is to seek first to understand and then to

- be understood. He stated unless a member understands the issues and points of view and what can go wrong or right with the decision they plan to make, the members will miss a good opportunity or blow it. He stated this requires keeping an open mind. He stated it is better to understand first before making one's own point of view, because once a public commitment is made, it is hard to back down from that commitment. He stated the goal is to have diverse voices, but to speak with one voice. He spoke to the Roles and Responsibilities of each member. He stated the succession plan is critical for good governance with members recruiting new people to serve, as the alternative option is having people who aren't interested running for office. He stated members with the experience of service now know what type of quality candidate the Council needs. He stated it is important to go to other boards or meetings to grow and learn from others in the same positions, such as League of Cities. He stated it is beneficial to get away from the members you serve with and meet new people. He stated that members must learn what their City's ordinances are and what the policies are for each circumstance to ensure they know the policies before they take action. He cautioned the members to avoid proposals that would put the City at risk. He stated it is a good idea periodically to have a conversation about the Council's performance and whether the members are communicating effectively with each other and the public. He noted Ethics is defined in NRS 281 and he explained the problems that can occur in a small community and emphasized that public officers and employees must avoid all conflict of interests. He noted disclosure or interests are a means to cut through such possibilities and then determine whether this should be something the officer should actually vote on. He noted Ethics pertains to Public officers elected or appointed to a position created by the constitution, state law or ordinance and anyone who exercises public power, trust or duty. He listed the don'ts of ethical standards.
5. Mayor Cliff Eklund inquired if there was a scenario where a developer wanted to discuss a proposal over lunch if that was an ethical violation.
 6. Wayne Carlson stated anything over \$20.00 has to be disclosed, but would it intend to influence the discharge of public duties. He stated if it does influence a member making an objective decision, it should not be done.
 7. City Manager Glenn Trust stated there is the perception of having lunch with others not party to the conversation that delivers a message or perception that may or may not be true.
 8. Wayne Carlson stated the ethics has very grey areas, but the main thing to determine is whether it does influence a decision, which would be a violation and subject to investigation.
 9. Mayor Cliff Eklund stated he discussed this with another mayor, who said they do not accept lunches or anything.
 10. Wayne Carlson stated the legislators have also taken that stance.
 11. Jeff Williams, County Commissioner, stated it is better to avoid the appearance of wrongdoing, as perception by others can lead to misconceptions by the public.
 12. Wayne Carlson stated perception is often more real and it is hard to overcome. He stated they cannot use their position to leverage or to hide actions, nor can they accept payment from anyone outside or bid on projects that come before the City, explaining this would be a conflict of interest and an area that should be disclosed by the member. He stated members cannot use the government time, property or equipment for their own use. He discussed quorums of elected and appointed boards. He also explained voting by public officers in items that the member might have an interest and the benefit of disclosure. He explained the role of the Ethics Commission and how to become an ethical board. He explained the Open Meeting Law requires that all decisions are made in "public". He stated if the Council appoints a committee, the committee falls under the Open Meeting Law.
 13. Discussion was held on social functions where more than three members were present is not a violation unless they are gathered for discussing business.
 14. Wayne Carlson stated if it is city function and the members are making decisions concerning the event, this should be agendaed. He stated this workshop is one that does not have to be agendaed, as it serves for training only. He discussed a new legislative statute passed during

- the 2011 legislature, AB59, which went into effect on January 1, 2012. He explained the quasi-judicial meetings fall under the law for revoking licenses, etc. He stated it used to be that they could go into closed session, but no longer. He discussed procedures for mental health issues. He stated AB59 also allows for the Attorney General finds a public body violated the Law, violations have to be acknowledged on the next agenda, which is a new requirement. He stated it also gives them subpoena powers over an investigation. He stated it revises the definitions of "public body". He stated there is a descriptive language that has to be put on the agenda, "for possible action" and Non-Action can still be used in cases where there will be no action taken. He explained a box of dialogue that should be placed at the first of every agenda, which may be read into the record. He stated Public Comments has some changes in restrictions of time, place and manner of comments, but may not restrict comments based upon viewpoint, which is another statement that should be put on the agenda and read into the record.
15. Discussion was held on topics that are not relevant to the City's power or ability to control.
 16. Jeff Williams stated if a topic is being discussed and the discussion goes into another topic, the Board has the ability to stop that conversation and bring the discussion back to the original topic.
 17. Wayne Carlson stated it gave a 21-day notice to an applicant was deleted, but noted there is a \$500 civil penalty that can be imposed to any member of a public body that attends a meeting in which action is taken in violation of the Open Meeting Law and who participates in such action with knowledge of the violation.
 18. Discussion was held on number of people gathering and the possibility of a quorum.
 19. Wayne Carlson stated the members have to be careful if they are on multiple bodies, each body is a public body of its own and you have to follow the same quorum for that body. He stated if three were on that board and another Council member showed up, you would be in violation of the law. He discussed the Meeting definitions of Gatherings of a Public Body and a series of gatherings where two are talking and one walks away, followed by one of the parties relaying the information to the third party, constitutes a walking quorum violation.
 20. City Manager Glenn Trust stated there are operational functions that go along with an event that can be delegated prior to the event, but if three members start to discuss changes of the event for the next year, that would be a violation.
 21. Wayne Carlson discussed an email calling a quorum creates a violation and suggested they type their own separate emails rather than forwarding one from the person they received it from, forwarding could cause this to be considered a deliberation. He stated it could be sent to City Manager Glenn Trust to be made part of the packet for discussion at the next meeting. He also discussed specific exemptions for the members. He stated there is an exemption for a public body and attorney to discuss a possible existing or threatened litigation, one is a non-meeting where the attorney states, "I need to see the Council in my office", or a closed session can be held. He stated these are for deliberation only, but no action can be taken unless in an open session, and it must say action item. He presented information on agendas and notice and discussion was held on accommodating disability. He stated the agendas have to be clear and complete statements for the public. He stated this also should be done with City Manager, City Clerk, and Council Members reports, because it is the public's business. He noted comments cannot be deliberated as agenda issues and they should be placed on a future agenda. He stated they should not use generic agenda items and the description of the item is important to educate the public on what will be discussed. He discussed emergency meetings and the notices. He stated there should be one (1) hard copy at the meeting available for the public. He stated closed personnel sessions could be called for disciplinary issues, but not for an elected or appointed official, noting that the person who is the subject of the discussion can call for an open session. He discussed all of the closed session criteria.
 22. Mayor Cliff Eklund discussed the City Clerk's position and that in many cities; it is not a position that is under the City Manager due to the financial responsibilities. He stated Boulder

- does not have the City Clerk under the City Manager.
23. Wayne Carlson explained the structural relationship has to be researched and clarified. Some will have an elected City Clerk and a legal question in conjunction with your ordinance.
 24. City Manager Glenn Trust stated it is up the City Council and how they want it to be.
 25. Mayor Cliff Eklund stated there is a difference between City Charter and City Code.
 26. Wayne Carlson stated unincorporated towns are confusing. He stated Douglas County could not identify their records or could not find them because they had been moved from Clerk to Clerk over the years, who kept them at their homes. He stated they were created under statute as an unincorporated town government in 1985, because they could find no history for Genoa, Gardnerville, or Minden. He explained the rules for Closed Personnel Sessions and notice has to be 5 working days if personal service and 21 days if by certified mail. He stated the public session is where deliberation and Action must be taken. He also noted labor negotiations can be in closed sessions. He explained a motion to close any meeting must state the nature of the business to be considered and the statutory authority authorizing the closure. He also discussed when a closed session might not be held. He stated definitions of meeting deliberations and action components. He noted AB257 discusses public comments. He stated they should monitor how the public comments are dealt with. He stated there could be public comments at both the beginning and end of the meeting. He stated they should be consistent.
 27. City Manager Glenn Trust stated having comments at the beginning and end only, there would be public comments during the rest of the meeting.
 28. Wayne Carlson stated Pershing County had many timed items, but it was not estimated correctly and resulted in a lot of dead time, so they moved their agenda items around. He stated Churchill County is one of the most efficient because if the agenda something for 8:16 and you arrive at 8:17, you have lost time on your item. He stated the minutes should capture the essence of the discussion item and the motions. He reported on the violations and consequences of action in a meeting. He noted wrongful exclusion is very fact driven and if their conduct is threatening a public official, then a warning is given through statute. He stated the meeting can be recessed and the police called. He noted if it is a disruption to the meeting and to another person's speech and does not allow you to conduct the public business, a warning that they must be respectful of other people and that they can be removed from the meeting. He explained they should use caution in escorting someone from the meeting. He noted you can close the public comment if it is going on too long in order to make a decision. He stated you serve the public and they have a right to know what actions are being taken. He noted you can limit the time, but not the context. He stated for more information use <http://ag.state.nv.us> He thanked the members for serving.
 29. Jeff Williams stated he had learned more at this meeting than he did at NACO.

IV. Comments by the General Public: Pursuant to NRS 241.020(2C) this time is devoted to comments by the general public and discussion to those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda and identified as an action item. (Non-Action Item)

1. City Clerk LaDawn Lawson stated the financial disclosure statements are due by January 15, 2013.

IV. Adjournment. (Action Item)

Vice Mayor Donnetta Skinner moved for adjournment with Councilperson Bob DeMars seconding the motion. The motion carried. The meeting was adjourned at 9:12 p.m.

APPROVED:

MAYOR CLIFF EKLUND

ATTEST:

CITY CLERK LADAWN LAWSON