

**CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
SPECIAL MEETING
CARLIN MUNICIPAL COURT ROOM
101 SOUTH EIGHTH STREET
CARLIN, NEVADA**

**January 7, 2019
4:30 P.M.**

Call to Order and Roll Call

Mayor Dana Holbrook called the meeting of the Carlin City Council to order at 4:30 p.m.

Council Members Present:

Mayor Dana Holbrook
Vice Mayor Lincoln Litchfield
Councilperson Margaret Johnston
Councilperson Pam Griswold
Councilperson Cameron Kinney

Council Members Absent:

None

Staff:

LaDawn Lawson, City Clerk

Public:

Ellen Meshefski, Parks and Recreation Board
Wayne Carlson, Pool & Pact

Pledge of Allegiance

- 1. Comment by the General Public: Pursuant to NRS 241.020(2)(D)(3)(I & II) this time is devoted to comments by the general public and possible discussion of those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda pursuant to the required procedures at the discretion of the City in accordance with applicable law and identified as an action item. (Non-Action Item).**

There were no comments by the General Public.

2. **Public Comment may be taken prior to any discussion Being Taken by the Council: Administration of the Oath of Office by the City Clerk to Mayor Elect Dana D. Holbrook, Councilperson Elect Lincoln Litchfield, Councilperson Elect Pam Griswold, and Councilperson Elect Cameron Kinney, to take office as Mayor and City Council persons on January 7, 2019, pursuant to Carlin City Charter, Article V, Section 5.090. (Possible Action Item).**
 - a. LaDawn Lawson stated they will read it together and then have them state their names and positions when it comes time.
 - b. The Councilpersons each read the Oath of Office and were duly sworn in one by one.

3. **Public Comment maybe taken prior to any Discussion Being Taken by the Council: Training by Nevada Public Agency Insurance Pool / Public Agency Compensation Trust for elected Officials, staff and appointed staff regarding Ethics, Nevada Open Meeting Law, and Positive Government training, and all related matters. (Possible Action Item).**
 - a. **Wayne Carlson stated Ethics would be their first topic. Wayne Carlson stated there were a lot of changes in the Ethics law at the last session but not a lot to the Open Meeting Law. Wayne Carlson summarized the following basics:**
 - i. Avoiding Conflict of Interest between Private and Public life;
 - ii. Signing form stating that they understand the Ethics law and they will follow it; and
 - iii. There are no exemptions to the Ethics law. Both the Council and employees are subject to the law. Judges and the judicial system have their own laws and advisory boards, without monetary funds, is not subject to the law.
 - b. **Wayne Carlson stated the following specific rules exist under the Ethics law:**
 - i. Cannot accept gifts or use your public position for personal gain;
 - ii. An employer cannot hire you because you serve on the Council;
 - iii. One cannot provide services to the City privately unless one is the sole source of that service;
 - iv. One cannot use information you receive for private gain;
 - v. One cannot suppress information one knows for private gain;
 - vi. One cannot use government resources for private gain;
 - vii. One cannot represent someone else before the Council;
 - viii. One cannot spend personal money to support a candidate or ballot measure.
 - c. Councilperson Pam Griswold asked if more than two of them can attend a workshop or a town hall meeting.
 - d. Wayne Carlson stated a workshop is a little bit fuzzy but the important thing is to not take action when you shouldn't or start deliberating towards

a decision in that workshop. Wayne Carlson stated if it is truly just asking for input, asking questions or clarification, and making notations of what issues the public has on their mind then there is nothing in that which says you are deliberating something or taking action. Wayne Carlson stated if it looks like a strategic planning session by the Council then that is a deliberative process and cannot happen without meeting the requirements of the Open Meeting Law.

- e. LaDawn Lawson stated they really have to watch themselves in that situation because they could easily start deliberating.
- f. **Wayne Carlson summarized the disclosure requirements when there is a potential conflict of interest as follows:**
 - i. You have to provide sufficient information so the public understands the potential effect;
 - ii. You must disclose contemporaneously with the related action item every time;
 - iii. If one has a disqualifying disclosure then you can participate, such as clarifying, but you cannot advocate a position;
 - iv. One must abstain if you cannot be impartial, significant pecuniary interest exists, or involves others such as family or business partners;
 - v. One should not abstain just because the issue is controversial.
- g. Councilperson Pam Griswold asked if they all should be disclosing they are owners of the WREC Co-op every time they pay the City's WREC bill.
- h. Wayne Carlson stated yes they should but he doesn't think the Ethic's Commission is going to come down on them. Wayne Carlson further clarified that since the entire town owns WREC than it is not necessary to disclose.
- i. LaDawn Lawson asked if a Council member that has a spouse that works for a City should refrain from voting on that Department's budget.
- j. Wayne Carlson stated if it is peculiar to one position or if it is the same across the board is the deciding factor. Wayne Carlson stated if it is just for that one position then they should abstain.
- k. Wayne Carlson stated the Ethics Commission will investigate, ask witnesses, look at documents, and try to make a determination if there was a violation. Wayne Carlson stated the Ethics Commission can make staff determinations now in order to move the process along. Wayne Carlson stated they can refer a case for prosecution. Wayne Carlson stated you can get an opinion from the Ethics Commission if there is something they are concerned about. Wayne Carlson stated there can be fines including punitive damages.
- l. Wayne Carlson stated in Chapter 241, the Open Meeting Law states that all deliberation and action must be done openly and you must notify the public and anyone subject to administration action. Wayne Carlson stated they are a public body that is subject to the Open Meeting Law and all their committees are subject to the Open Meeting Law. Wayne Carlson

stated if a staff member needs a committee to advise them then that is not a public body but they cannot vote and the staff member must make the decision alone. Wayne Carlson stated a gathering or a series of gatherings where members attend one or more of the gatherings where a decision is made is unlawful. Wayne Carlson stated this can also happen electronically through an e-mail or text. Wayne Carlson stated the exemptions include social gatherings where a quorum is present but they do not deliberate toward a decision or take action. Wayne Carlson suggested that they never sit near each other.

- m. Councilperson Margaret Johnston asked if it is okay to have family members on the same public board.
- n. Wayne Carlson stated they will have the same conflict of interest on a pecuniary matter which takes two of them out. Wayne Carlson stated they can both legally serve but he doesn't recommend it.
- o. Wayne Carlson stated you and your attorney can deliberate pending or existing litigation outside of a public forum if they notice it as a closed litigation session and action must be taken in an open session. Wayne Carlson stated decisions of the Board must have three of the five positions in approval or it won't pass. Wayne Carlson stated they want "For Possible Action" on every an agenda item.
- p. Vice Mayor Lincoln Litchfield asked about public comments where derogatory comments are made about other people.
- q. Wayne Carlson stated if it is disruptive then it can be stopped but one of their options is to enforce a time limit.
- r. Mayor Dana Holbrook stated they have never had to do that before.
- s. Councilperson Pam Griswold asked if they can ask for a clarification when someone makes a public comment.
- t. Wayne Carlson stated that they could but to be careful they do not open a dialogue.
- u. LaDawn Lawson asked if a meeting that goes really long can be recessed to another day.
- v. Wayne Carlson stated they can recess the meeting to restart on another certain date. Wayne Carlson stated you do not have to repost a recessed meeting. Wayne Carlson stated you must be specific on your Agenda items and generic terms such as "reports" are not good. Wayne Carlson stated another law change requires them to have a link to their agendas and minutes on the official state website that has been created for that purpose. Wayne Carlson stated that if there is a violation you have to include the violation on the next Agenda for corrective action but that shouldn't stop you from correcting it immediately in the meeting. Wayne Carlson stated they could have an emergency meeting if there is a natural disaster or health threatening events such as a chemical spill. Wayne Carlson stated no other town business can be discussed at the emergency meeting and minutes must be kept. Wayne Carlson stated one hardcopy of the agenda and back-up materials must be available at the meeting. Wayne Carlson stated he would advise Councils to stay out of personnel

matters and leave it to the City Manager. Wayne Carlson stated without a City Manager they should let their Department Heads manage it because they will be the final arbiters of the matter if it goes past the Department Heads. Wayne Carlson stated when you have a closed session regarding an individual or business then that person must be notified in advance and they are allowed to bring in witnesses, advocates, etc. Wayne Carlson stated in the personnel session they cannot deliberate all they can do is receive information and get clarification. Wayne Carlson stated that none of them can reveal what happened in the closed meeting but the person or business involved can say whatever they want. Wayne Carlson stated that you cannot appoint a person to a public office in a closed meeting. Wayne Carlson stated you cannot discuss the competency of a Council member in a closed meeting. Wayne Carlson stated deliberation and action has also been defined by the legislature. Wayne Carlson stated that the minutes must capture the essence of the discussion and the decision. Wayne Carlson stated that if minutes are approved incorrectly then it can be put on the next agenda to correct the minutes. Wayne Carlson stated that any member of the public can stop you from carrying out an action taken in violation of the law and that there are criminal sanctions.

- w. Wayne Carlson discussed the job itself and highlighted the following areas:
 - i. Speaking with one voice;
 - ii. Consider the alternatives and be cautious;
 - iii. Learn the facts; and
 - iv. Decide what is best for everyone and not just the malcontents.
- x. Wayne Carlson stated their job is to monitor what is going on in the City, not to manage the City. Wayne Carlson stated they should observe and pay attention but they should not interfere. Wayne Carlson stated he knows they are liaisons but that doesn't mean they are the manager of that department. Wayne Carlson stated that means they are the eyes and ears of that department for the purpose of gathering information for the entire board.
- y. Wayne Carlson stated their decisions should come from policy, they should know them, and they should avoid practices contrary to the policy. Wayne Carlson stated when you take a positive approach you tend to get positive outcomes in order to avoid dysfunctional boards. Wayne Carlson stated communication is vital and should include visual, auditory, and kinesthetic communication. Wayne Carlson stated some dysfunctions that can occur include a power struggle, the board stops function as a single unit, lack of civility, making a decision before hearing all the facts, domineering board member, and getting bogged down in rules. Wayne Carlson stated the board should not micromanage staff either. Wayne Carlson stated you should not go to a Department and tell them what to do because they only make policy.
- z. Wayne Carlson stated positive governance includes having a vision, a roadmap to that vision, setting policies, acting as a trustee, assuring

managers do their jobs, and fulfilling a fiduciary role. Wayne Carlson described some skills they should have or will learn as they spend more time on the board.

- aa. Wayne Carlson discussed personal behavior issues that can cause problems as a board member including remaining professional under pressure.
- bb. Wayne Carlson explained to the Board a simplified version of the Robert's Rules of Order.

- 4. Public Comment may be taken prior to any Discussion Being Taken by the Council: Comment by the General Public: Pursuant to NRS 241.020(2)(D)(3)(I & II) this time is devoted to comments by the general public and possible discussion of those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda pursuant to the required procedures at the discretion of the City in accordance with applicable law and identified as an action item. (Non - Action Item).**

There were no comments by the General Public.

- 5. Adjournment. (Possible Action Item)**

Councilperson Cameron Kinney moved to adjourn. Vice Mayor Lincoln Litchfield seconded the motion. The motion passed. The meeting was adjourned at 8:16 p.m.

Approved:

Attest:



Mayor Dana Holbrook



City Clerk LaDawn Lawson