

Lake Havasu City  
**Parks and Recreation Advisory Board**  
February 29, 2016  
Lake Havasu City Community Center, Room 155/156  
100 Park Avenue  
Lake Havasu City, AZ 86403

**Summary Minutes**

**Call to Order:** Vice Chairman Jim Rosensweet called the meeting to order at 3:00 p.m.

**Roll Call:** Present: Logan Johnson, Brett Miller, Ashley Pascual, Jim Rosensweet, Robert Smith, Bart Wagner, Scott Welte

Via Telephone: Mark Talley

Absent: Jennifer Luzzi,

**Minutes:** Approval of the minutes of meeting on November 23, 2015; Member Bart Wagner moved to approve as written; seconded by Robert Smith and unanimously carried by the Board.

**Call to Public:**

Mary VanRooy with the Trails Advisory Committee attended a webinar and would like people in Lake Havasu to get involved in getting into the "The Arizona Premier Trail System, Best 100 Trails". The application needs to be complete by June 1, 2016.

**General Legal Update:**

**Open Meeting Laws**

Kelly Garry, City Attorney updated the Board on Open Meeting Laws. A public meeting has an agenda; the public is in attendance and is allowed to listen to you deliberate. The permissive to open law is to maximize the public access to government process and it applies to the Board because the Board is created by the City Council which needs to follow all of the same laws and rules that the Council does.

Generally it has to be open to the public unless you have an Executive Session which is rare for a Board. Meetings include legal action which is every time you have a discussion considering, making motions; those are all considered legal action under the law. You cannot meet as a quorum outside of a public meeting and have a discussion on an item that might become before you because that would be a violation of an open meeting law. Items include anything that foreseeably requires an action of the Board. Staff takes care of most of the legal requirements as far as meetings have to have at least 24hr. notice, there has to be an agenda listing the date, time, and place. All agenda items have to be specific so the general public reading your agenda has an idea of what you are

going to be discussing. Call to the Public is a discretionary; you are not required to allow the public to speak. You cannot take action on anything part of call to the public; as the Board you just get to listen and you can direct it to be put on a future agenda, you can ask staff to look into it. You can respond to criticism. Staff takes care of all of the minutes for you which are required. There are seven authorized topics that can occur in an Executive Session; which would rarely occur during a Board or Committee meeting unless you need legal advice. There are penalties of violations for Open Law which include civil penalties, attorney's fees and removal from office. If you don't understand or you have any questions please read up on it.

Member Ashley Pascual asked how many Board members make up a quorum. The Board has nine members so five members make up a quorum.

Member Bart Wagner asked when you talk to other Board members when you are not at a meeting what are the limitations. Garry responded emails are considered communications which are the worst because you can email one Board member and then they forward it to someone else who forwards it to someone else which creates a serial communication so whether or not it is the same time, different time, different location, that can result in a violation. Same goes for talking to someone; you can have a discussion with someone and then that person talks to another Board member who talks to a different member which is now a violation. Wagner clarified talking to different members not just the general public. Wagner asked if we can talk to staff about an agenda item. Garry responded yes.

Garry spoke on Public Records which are probably the most overlooked. As far as communications you might have and as far as emails, you have to retain those communications. If someone from the general public emails you and has a question and responds to you, you just created a public record and that has to be retained. If you don't want to be the one to retain your records call staff and they will help you; staff can retain those for you for the retention period.

If an item came before you and you have a conflict of interest which might include your company or your family member that has connection to a project you need to speak to Garry prior to. A memo is usually done and you need to refrain from participating in that item.

Garry stated the Attorney Generals Handbook is a great resource if you have any questions.

Member Rosensweet asked if they were to meet at a location or have a field trip does it have to be posted and how far in advance. Garry stated at least 24hrs. in advance.

Member Wagner asked if five members showed up to work on a trail or project does that need to be posted as a meeting. Garry responded no; a notice would

be posted stating there is going to be a clean-up and a possible quorum may be in attendance however no business will take place.

Member Rosensweet asked being an Advisory Board why do these laws apply to us. Garry responded your roll is important; Council has created this Board to provide information to them. The Board is the information gatherers and the Board deliberations are important in that they are open to the public and they can hear what you are saying, what you are considering, what you are deliberating and then take that to Council. You are an arm of the Council even though you might not make a final decision you are instrumental in what that final decision will be.

### **Code of Conduct**

Community Services Director, Greg Froslic stated this item was placed on the agenda by our City Manager. He has been following the Board and has had some concerns that came up recently regarding the Boards organization and asked that we revisit the Open Meeting Law and the Code of Conduct and address what the role of the Advisory Board is which is to advise the Council. The goal is to become more effective in advising the City Council. To help you relate most recently the last meeting the Pickleball issue that came before the Board probably didn't go as well as we had hoped it would. Ultimately the end result was no advising went to the City Council. The Pickleball folks were challenging the approved City budget for the City to build Pickleball Courts at the Dick Samp Park. The group decided London Bridge Beach was a better location for those courts.

Staff advised against that and the Pickleball association went directly to the Mayor and demanded to be placed on the agenda for public discussion at that level to change the location Pickleball Courts. The Mayor informed them there is a process and you need to go through the Parks and Recreation Advisory Board. The majority of the Board agreed with the staff but then a decision was made to have their voice be heard from City Council. If you think about that how does that provide a advisory service to the City Council. The Board did not take a position and they should be making recommendations. The Board did not perform their duties that night.

Chairman Talley stated staff had the opportunity to remove that item from the agenda and does not want to be blamed. Froslic respectfully disagrees and with that it is actually the role of the Board to allow the Pickleball group their due process than that could be an issue as well. The process is pointed out by the Mayor was to go before the Advisory Board and see what their recommendation was. The Board voted to take the argument to City Council; the Board did not take a position on it other than take it before Council. Froslic is trying to refocus the goals of the Parks and Recreation Advisory Board to do just that "advise" the Council. The Board does not have to agree with the staff.

Board Member, Wagner stated we understand what you are saying and that meeting did not go very well but he does agree with Mr. Talley that item should

have never been on the agenda. He does agree with Froslic and appreciates him letting them understand their roles. Froslic wants to transition to actually what the rules of code of conduct are to provide more structure to this Board which will hopefully result in being more effective.

City Attorney, Kelly Garry stated generally talking about your Code of Conduct and where your roles and responsibilities are as a Board. Chapter 2.04 of the City Code generally sets forth the roles and responsibilities of the City Council which allows creation of Board and Committees. Garry stated the process on approval of agendas has recently changed and they will all go through her and that will help keep items that have already been adjudicated by the City Council by showing up here. The role is to provide recommendations to the City Council but you also have some administrative roles as far as things coming to you for your approval, recommendations, and your information that we can get from you creating a program.

Member Jim Rosensweet stated you said we shouldn't be discussing things that Council has already made decisions on but where else are people going to go. They have to go back to the Council they can't go back to an Advisory Board and start over. Their appeal would be to the Council.

Member Brett Miller stated whatever we recommend can still go to the Council and it is on the record the Parks and Recreation Advisory Board stated yes we think they should stay where they are at but they can still argue their case. Garry stated yes.

Garry stated they can go to Call to the Public and argue their case. Council Member Michelle Lin asked if the public can go to a Council Member and ask to have an item placed on an agenda. Garry responded yes.

Director, Greg Froslic made a statement to Chairman Talley and said he believes the Mayor directed the Pickleball group to go through the process of the Parks and Recreation Advisory Board because it affected a different park and is that an appropriate use of that park. Clearly the Parks and Recreation Advisory Board would have an opinion on that.

Member Bart Wagner suggested it would help the Board if staff would identify what the task is for that agenda item. He would like background on an item placed on the agenda.

Member Brett Miller suggested groups wanting to place an item on the agenda need to state what they are seeking. Froslic stated we can provide a few sentences as to why this item is on the agenda.

Garry stated when a Board member wants an item placed on the agenda during future request for agenda items you need to state why you would like that

agenda item and you need a consensus of the Board. Staff will place administrative items that are necessary for the Board to hear.

**Future Agenda Items:**

**Discussion Items**

Field Needs Assessment

Piccadilly Point

Trails Committee 100 Best AZ Trails

Architekton Contract for Aquatic Center

SARA Park Trailhead Project

Pickleball Court Project

Parks & Recreation Current Master Plan

**Call to the Public:**

N/A

**Adjournment:**

There being no further business, member Jim Rosensweet moved for adjournment 3:50pm.; seconded by member Scott Welte and unanimously carried by the Board.