



# BOARD OF COUNTY COMMISSIONERS RULES OF PROCEDURE

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## **ARTICLE 1 TITLE**

This document shall be known as the Washoe County Board of Commissioners Rules of Procedure.

1.1 The Washoe County Board of Commissioners shall be referred to as the “Commission.”

1.2 The Rules of Procedure shall be referred to as “Rules.”

1.3 Elected or appointed members of the Washoe County Board of Commissioners shall be referred to as “Commissioners” or “Commissioner.”

## **ARTICLE 2 PURPOSE OF RULES**

The purpose of these Rules is to adopt a parliamentary authority and establish supplemental rules of procedure for the conduct of Commission meetings and the conduct of Commissioners where such Rules are not inconsistent with the laws of the State of Nevada. Where consistent with state law and not otherwise provided in these Rules, the Commissioners may refer to the principles of the most recent edition of Robert’s Rules of Order for guidance in conducting meetings.

## **ARTICLE 3 USE OF RULES**

No action taken by a Commissioner or the Commission, which is not in compliance with these Rules, but which is otherwise lawful, shall invalidate such action or be deemed a violation of the oath of office, misfeasance, or malfeasance. No authority other than the Commission may enforce or rely on these Rules. Failure of the Commission to follow any of these Rules shall be considered a Commission decision to waive such rule. No notice of such a waiver need be given.

## **ARTICLE 4 PUBLIC USE OR RELIANCE NOT INTENDED**

Because these Rules are designed to assist the Commissioners and not to provide substantive rules affecting constituents, it is expressly stated that these Rules do not constitute land use regulations, official controls, “appearance of fairness rules”, public hearing rules or other substantive rules binding upon or to be used by or relied upon members of the public. These Rules do not amend statutory or other regulatory requirements (e.g., Washoe County Code).

## **ARTICLE 5 COMMISSION MEETING PREPARATION**

### **5.1 Time and Location**

All regular meetings of the Commission shall be held at the times and locations specified by Washoe County Code 5.017 (meetings), NRS 244.085 et. seq. (regular and special meetings) and in compliance with NRS Chapter 241 (open meeting law).

## 5.2 Open to the Public

All meetings of the Commission and of committees thereof shall be open to the public, except as provided by law including but not limited to NRS 288.220 (certain labor proceedings not public).

## 5.3 Presiding Officer

5.3.1 The Commissioners shall elect one of their members as Chair of the Board and another of their members as Vice-Chair of the Board, both to serve a two-year term.

5.3.2 The Chair shall preside at meetings of the Commission and be recognized as the head of the County for all ceremonial purposes.

5.3.3 In the event of the Chair's absence or temporary disability, the Vice-Chair shall act as Chair. In case of the absence or temporary inability of the Chair and the Vice-Chair, an Acting Chair shall be selected by members of the Commission.

5.3.4 The Chair, Vice-Chair, or Acting Chair shall be referred to as the "Presiding Officer."

## 5.4 Role of County Manager and Commission Agenda Preparation

5.4.1 The County Manager shall be responsible to the Commission for the proper administration of the affairs of the County, which duties include, but are not limited to:

5.4.1.1 recommending for adoption by the Commission such measures as he or she may deem necessary or expedient;

5.4.1.2 preparing and submitting to the Commission such reports as may be required by the body or as the County Manager deems it advisable to submit;

5.4.1.3 keeping the Commission fully advised as to the business of the County;

5.4.1.4 taking part in the Commission's discussion on all matters concerning the welfare of the County.

5.4.2 The County Manager shall determine, after consultation with the Presiding Officer, the content of meeting agendas and prepare an agenda for the Commission according to the ordinary order of business. After the proposed agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for agenda review and public posting.

5.4.2.1 The Presiding Officer, after consultation with the County Manager and the District Attorney, may decline to place an item on the agenda if it is

determined that the item substantially conflicts with the law or the ability of the County to effectively conduct its operations.

#### 5.4.3 The ordinary order of business is:

Salute to the Flag  
Roll Call  
Public Comment  
Commissioners/Manager announcements  
Appearances/Presentations  
Proclamations/Declarations  
Donations  
Consent Items, includes approval of minutes of previous meetings (See Article 5.5)  
Standard Department Items  
Public Hearings  
Public Comment  
Possible Closed Sessions – Labor Negotiations/Attorney Client  
Commissioners/Manager announcements  
Adjournment

#### 5.5 Consent Agenda

The County Manager, in consultation with the Presiding Officer, shall place matters on the consent agenda which fall into any of the following categories:

5.5.1 have been previously discussed by the Commission;

5.5.2 can be reviewed by a Commission member without further explanation based on the information delivered to members of the Commission by staff;

5.5.3 have a financial impact to the organization of \$300,000 or less; or

5.5.4 are routine, technical or “housekeeping” in nature such that passage without discussion is likely.

#### 5.6 Agenda and Supporting Material

Commission members and affected staff should read the agenda and supporting material in preparation for each Commission meeting. If a Commission member needs clarification on an issue, the Commissioner should contact the County Manager, Assistant County Manager or Department Head prior to the Commission meeting when possible.

#### 5.7 Requests for Agenda Items by Commissioners

5.7.1 A Commissioner may request that an item be placed on the agenda by making a request in a public meeting and following up with a written request to the County Manager and the Presiding Officer.

5.7.2 After staff review, the Manager shall provide the matter to the Presiding Officer to consider for placement on the agenda.

5.7.3 If approved by the Presiding Officer, the requesting Commissioner will be provided with an estimated timeline for the item's placement on the agenda.

#### 5.8 Requests of Staff Time by Commissioners

5.8.1 Commissioners shall not request staff to work on any matter that is reasonably estimated to take four (4) or more hours of staff time without seeking prior approval of the Commission through an item placed on the agenda.

5.8.2 Requests that entail less than four (4) hours of work must be made in writing to and approved by the County Manager.

### **ARTICLE 6 COMMISSION MEETING PROCEDURES**

#### 6.1 Attendance

6.1.1 Commissioners are expected to attend all scheduled Board meetings. If a member is unable to attend a scheduled meeting, the member shall contact the Chair or the County Manager prior to the meeting and provide the reason for the absence.

6.1.2 Virtual Attendance - A Commissioner may participate virtually in all or part of a Commission meeting if it complies with NRS 241.023 (requirements for holding a meeting by remote technology system) in accordance with the following:

6.1.2.1 All persons participating in the meeting are able to hear each other at the same time by the use of virtual connection.

6.1.2.2 During any meeting that a Commissioner is attending virtually, the Presiding Officer shall state for the record that a particular Commissioner is attending virtually.

6.1.2.3 Commissioners appearing virtually may participate and vote during the meeting as if they were physically present at the meeting.

6.1.2.4 Commissioners appearing virtually shall comply with all rules and procedures as if they were physically present at the meeting.

6.1.2.5 Where a Commissioner attends by virtual appearance, the procedure for public comment shall be read into the record.

## 6.2 Quorum

A majority of the Commissioners who hold office, currently three (3), shall constitute a quorum for the transaction of business at Commission meetings. However, subject to all applicable law governing vacancies, and unless applicable law specifies a higher threshold, the Commission may only take action on a matter by an affirmative vote of a majority of the entire Commission.

## 6.3 Speaking During the Meeting

6.3.1 Persons, outside of scheduled public comment periods, other than Commission members and staff may be permitted to address the Commission upon recognition and/or introduction by the Presiding Officer. The Presiding Officer will acknowledge speakers at the appropriate time during the meeting.

6.3.2 Once the meeting begins, Commissioners should refrain from engaging in private discussion with any non-staff member of the audience regarding any item before the Commission.

## 6.4 Order of Business

The agenda will be prepared by the County Manager as set forth in Article 5. The Presiding Officer may rearrange items on the agenda to conduct business before the Commission more expeditiously or to better serve the needs and/or convenience of the Commission.

## 6.5 Motions and Discussion

6.5.1 All motions on agenda items designated “For Possible Action” shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent “approval by default” of a failed negative motion.

6.5.2 All items requesting action and before the Commission will require a motion by one Commissioner and a second by another Commissioner to continue and be complete with an action.

6.5.3 When possible, Commission members should direct questions primarily to the County Manager and legal issues/questions should be directed to the District Attorney.

## 6.6 Voting - The votes during all meetings of the Commission shall be transacted as follows:

6.6.1 The Chair has full voting authority as any other Commission member.

6.6.2 All votes shall be taken by voice, except that at the request of any Commission member, a roll call vote shall be taken by the County Clerk. The order of the roll call vote shall be determined by the Presiding Officer.

6.6.3 In the case of a tie vote on any proposal, the motion shall be considered lost.

6.6.4 In all cases of voting by other than voice vote, the County Clerk shall record the names of those voting on each side of the question and of those abstaining. In all cases of voting, it shall be sufficient for the Chair to announce, and the record to reflect, whether the motion carried or failed.

6.6.5 Abstention. A Commissioner may only abstain from voting when he or she has a legally recognized basis for doing so, including a conflict of interest as provided in NRS 281A.420 (abstention from voting because of certain types of conflicts) such as a direct personal or significant pecuniary interest not common to other members of the Commission, which is disclosed to all other members of the Commission during the Commission meeting. Conflicts of interest must be disclosed prior to the Commission considering an item, and shall be brought to the attention of legal counsel in advance of the meeting so that an analysis can be done of the possible need to abstain.

6.6.6 Ex Parte Communication. A Commissioner should disclose on the record any ex parte communication and any relevant information pertaining thereto on an appeal (e.g., land use application appeal, work card permit appeal, etc.) that is to be decided by the Commission.

6.7 Reconsideration - Except as otherwise required by law, no item heard and disposed of at a meeting may be reconsidered except under the following circumstances:

6.7.1 A request to reconsider shall be made only during the meeting at which the action on the item was taken or at the next regularly scheduled meeting, and

6.7.2 A request to reconsider must be made by a Commissioner who voted on the prevailing side of the item being reconsidered, but a request to reconsider may be seconded by any member of the Commission. If requested pursuant to this section, the item will be agendaized for action at a future meeting to allow for legal notice.

6.7.3 A previous item failing by virtue of a tie vote may be requested by any Commissioner to be brought back to a subsequent meeting in accordance with NRS 244.060 (tie vote).

## 6.8 Recess Due to Emergency or Disruption

In the event of emergency, such as a fire, threatened violence, or in the event of disruption including the inability to regain good order, the Chair shall declare the meeting recessed, and the Commissioners shall immediately leave Chambers.



## 6.9 Role of County Manager in Meeting

6.9.1 The County Manager, as the chief executive officer and head of the administrative branch of County government, or his/her designee, shall attend all meetings of the County Commission, unless excused by the Presiding Officer or Commission.

6.9.2 If the County Manager is unable to attend a Commission meeting, the County Manager shall designate a staff member to attend the meeting in their absence.

## 6.10 Role of County Clerk in Meeting

In accordance with NRS 246.060, the County Clerk shall be the Clerk of the Commission and shall record votes, keep minutes and records, and all other duties required by any other law of this State.

## 6.11 Scheduling of Concurrent Meetings

Concurrent meetings with other governmental entities should be scheduled for dates and times on which all five Washoe County Commissioners have indicated their ability to be present.

## 6.12 Scheduling of Special Commission Meetings

A special meeting may be called by the Chair or upon written request of a majority of the members in accordance with the provisions of NRS 244.090 (special meetings).

# **ARTICLE 7 COMMISSIONER CONDUCT AND COMMUNICATIONS**

## 7.1 Commissioner Conduct and Communications Generally

Commissioners recognize their common goal to serve the needs and interests of the citizens of Washoe County, although there may be a wide range of views on matters of policies. As representatives of Washoe County, Commissioners are dedicated to showing respect and civility to one another, staff, and citizens. The Commissioners agree to adhere to the Washoe County Code of Conduct.

## 7.2 Public Records

Unless made confidential by law, such as attorney-client privilege matters, all documents, letters, memoranda, and computer communications involving Commissioners which relate to the conduct of County government, or the performance of any County governmental function, are public records. County business conducted via personal emails, phones or other means may be public record. Public records shall be provided to the County Manager and shall be kept according to the applicable records retention schedule.

### 7.3 Communications Outside of Commission Meetings

Commissioners shall avoid communications which ultimately involve three or more Commissioners outside of Commission meetings.

7.4 The Presiding Officer will address any issues or concerns regarding communication protocols involving other Commissioners.

### 7.5 Commissioner to Staff Communications

7.5.1 The Commission looks to the County Manager to exercise authority and responsibility to manage work and provide effective communication and direction to staff. Commissioner requests for use of staff time shall be made in accordance with Article 5 of these Rules.

7.5.2 This Rule does not preclude Commissioners from requesting simple information or asking questions on behalf of constituents, but this should be limited, and requests should always be copied to the County Manager so that problem areas can be identified and efficiency and accountability for performance can be centralized with the County Manager.

7.5.3 In order to utilize staff resources most efficiently, Commissioners will make every effort to avoid making identical requests of multiple staff members.

7.5.4 Staff members will apprise their Department Head and County Manager whenever they communicate with a Commissioner on official County business.

7.6 Commissioners may go through Washoe County elected officials with any requests in their jurisdiction.

7.7 In the event that a matter is confidential and cannot be communicated to the County Manager, the Human Resources Department or District Attorney's office (as appropriate) should be consulted.

### 7.8 Commissioner to Media Communications

7.8.1 The Presiding Officer and/or the County Manager are the official spokespersons for the Commission and Washoe County. They may delegate to the proper person and/or subject matter expert to speak on behalf of the Commission and Washoe County.

7.8.2 In the event a Commissioner speaks to the media, he or she will clearly indicate that the comments that they are expressing are not the official position of the Commission or Washoe County and the statements represent their own personal views.

7.8.3 Commissioners shall advise the Presiding Officer and the County Manager when making comment to the media regarding policy making decisions on any Commission/Washoe County related matters.

## 7.9 Commissioner Correspondence

When a Commissioner sends out correspondence stating his or her official position regarding a constituent complaint or other County issue, a copy of said correspondence, either paper or electronic, shall be provided to the County Manager and the Presiding Officer.

## **ARTICLE 8 BOARDS, COMMISSIONS AND COMMITTEES**

### 8.1 Appointment of Commissioners to Boards, Commissions and Committees

As representatives of Washoe County, Commissioners are appointed to and serve on various boards, commissions, and committees. Unless otherwise prescribed by regulation, Commissioner appointment is limited to two consecutive terms as defined by the respective board, commission or committee. In the event a Commissioner has served two terms and no other Commissioner wishes to serve on the board, commission or committee, then the Commissioner can be reappointed for another term. Notwithstanding the above, preference for appointment to Tahoe Regional Planning Agency shall be given to the Commissioner whose district includes the Tahoe Basin. If a Commissioner is unable to attend a meeting of a board, commission or committee to which he/she is appointed as the primary representative, the Commissioner shall inform the Commissioner serving as alternate so that he/she will be able to attend.

### 8.2 Appointment of Citizens to Boards, Commissions and Committees

8.2.1 Citizens are appointed to and serve on various boards, commissions, and committees by the Board ("citizen appointees"). The Commissioner Support Team administers the application process and brings candidates to the Board. Consideration should be given to assuring broad County-wide representation on boards. Appointments are not to be limited to individuals from the unincorporated area unless otherwise specified or intended by law.

8.2.2 Except as otherwise provided herein, citizens appointed to a board, commission or committee is two consecutive terms. The limit of service for a citizen appointment to a Citizen Advisory Board is three consecutive terms. A citizen appointee filling an unexpired term with  $\frac{3}{4}$  or more of that term remaining shall be considered as having served for a full term. An additional term may be considered for a citizen's appointment if there are no other qualified applicants.

8.2.3 Citizen appointees are expected to recognize their common goal to serve the needs and interests of all citizens of Washoe County, although there may be a wide range of views on matters of policies. As representatives of Washoe County, citizen appointees shall be dedicated to showing respect and civility to one another, staff,

and other citizens. Citizen appointees agree to adhere to the Washoe County Code of Conduct.

8.2.4 A resignation by a citizen appointee from a board shall be in writing, addressed to the Board of County Commissioners and filed with the Washoe County Clerk. The resignation is final and effective when received by the Clerk and cannot be withdrawn by the citizen appointee after that time.

## **ARTICLE 9 COMMISSIONER TRAVEL AND REIMBURSEMENT**

9.1 As a general rule, each Commissioner will be allocated 20% or 1/5 of the annual Commissioner travel/training budget for professional development and attending training and conferences.

9.2 That amount may be modified based on Commissioners who have been appointed to boards and committees that require travel at the local, state, and federal level that may require County financial support.

9.3 Each Commissioner agrees to adhere to the Travel Regulations adopted in WCC 5.351 et. seq.

9.4 Commissioner Auto Expense. Each Commissioner shall provide to the designated employee in the Manager's office their individual mileage reimbursement log related to business travel via their personal automobile on a quarterly basis as a minimum with a mandatory 4<sup>th</sup> quarter deadline of June 30<sup>th</sup> of each year to align with fiscal budgets. Mileage will reimburse in accordance with the guidelines set forth by the Comptroller.

## **ARTICLE 10 COMMISSION LOBBYING**

Washoe County has enacted a Lobbying Policy that applies to elected officials including Commissioners seeking to lobby on behalf of Washoe County. It can be found at the Human Resources Policies, Procedures and Forms website.

## **ARTICLE 11 AMENDMENTS**

These Rules may be amended from time to time as needed. Requests for amendments shall be made to the Manager in writing. Proposed amendments shall be presented to the Board at a meeting for consideration and approval, in accordance with Article 5.