



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: February 25, 2025

**DATE:** February 3, 2025

**TO:** Board of County Commissioners

**FROM:** Mary Kandaras, Deputy District Attorney

**THROUGH:** Eric Brown, County Manager

**SUBJECT:** Discussion and possible adoption of the proposed Board of Commissioners Rules of Procedure to be effective upon approval. The purpose of the Rules is to provide parliamentary authority and to establish supplemental rules of procedures for the conduct of County Commission meetings and individual Commission members where such rules are consistent with the laws of the State of Nevada. The proposed Rules of Procedure have been reviewed and reorganized to reflect the current practices of the Board. The proposed Rules include, but are not limited to, changes clarifying use of Rules and applicability of Robert's Rules of Order (Arts. 1-4), preparation of agenda (Art. 5), role of Manager and Chair in agenda preparation (Art. 5.4), placement of items on agendas (Art. 5.4.2), order of business (Art. 5.4.3), consent agenda parameters (Art. 5.5), requests by commissioners for agenda items (Art. 5.7), requests of staff time by Commissioner (Art 5.8), virtual attendance of meetings (Art. 6.1.2), reconsideration of meeting votes (Art. 6.7), communications by commissioners and adherence to the Code of Conduct (Art. 7), and adherence by citizen appointees to Code of Conduct (Art. 8.2.3). Commissioners may propose other amendments. Manager's Office. (All Commission Districts.) FOR POSSIBLE ACTION

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### **SUMMARY**

Staff recommends approval of the proposed Board of Commissioners Rules of Procedure. The purpose of the Rules is to provide parliamentary authority and to establish supplemental rules of procedures for the conduct of Commission meetings and individual Commission members where such rules are consistent with the laws of the State of Nevada.

**Washoe County Strategic Objective supported by this item:** The Rules of Procedure establish clear processes that enable efficient and effective support of the objectives and vision of the Board of County Commissioners' Strategic Plan.

**AGENDA ITEM # \_\_\_\_\_**

## **PREVIOUS ACTION**

On January 16, 2024, the Board considered, but did not adopt, proposed amendments to the Rules of Procedure.

On October 4, 2022, the Board adopted the Rules of Procedure. This is the version currently in effect.

On December 18, 2018, the Board adopted the Rules of Procedure Handbook.

On March 28, 2017, the Board adopted the 2017 Rules of Procedure Handbook.

## **BACKGROUND**

The Washoe County Board of Commissioners Rules of Procedure (Rules) has been used since internally 2012. This document is reviewed and updated periodically to include current and best practices for the conduct of Board meetings and Commissioner conduct. On October 4, 2022, the Board adopted the Rules of Procedure, which are currently in effect.

On January 16, 2024, the Board considered, but did not adopt, amendments to the Rules. After much discussion amongst the Commissioners, staff were directed to return to a future meeting with proposed Rules.

After the meeting of January 16, 2024, representatives from the Manager's and District Attorney's offices conducted a thorough review and reorganization of the Rules. Staff first addressed the items discussed by Commissioners at the January 16, 2024, meeting.

1. Commissioner Clark discussed Article 5.5 and how items are placed on agendas. He asked how anyone other than the Chair or Manager Brown could get items on the agenda. Staff considered the request and determined that a Commissioner may make a request in a public meeting but must also follow up with a written request to the County Manager to ensure tracking of the request and review by appropriate staff. It should be noted that the role of the County Manager is to prepare the agenda in consultation with the Chair (Art.5.4).
2. Chair Hill recommended removing Article 7.4 which authorized an annual evaluation of the Board. ADA Edwards informed the Board that such evaluations must be performed in accordance with the Open Meeting Law. It was suggested that the Board discuss their performance at the annual retreat. Accordingly, the article was removed from the proposed Rules.
3. Chair Hill proposed that County staff add language pertaining to treating others with dignity. Staff proposed language that the Commissioners would follow the Washoe County Handbook (Art. 7.1). Staff proposed language that persons appointed by the Board would adhere to the Washoe County Code of Conduct (Art. 8.2.3).

In addition, staff reviewed and reorganized the Rules and offer the following language, which reflects the most substantive changes. Commissioners may propose additional amendments.

#### ARTICLE 1 TITLE

#### ARTICLE 2 PURPOSE OF RULES

Proposed language clarifies purpose of Rules.

#### ARTICLE 3 USE OF RULES

Proposed language clarifies that Rules are internal and noncompliance does not invalidate otherwise lawful action.

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

Proposed language clarifies that Rules are internal and may not be enforced by public.

#### ARTICLE 5 COMMISSION MEETING PREPARATION

Proposed language consolidates all previous sections of the Rules that referenced agenda preparation. Changes of note:

##### 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.

#### 5.7 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.

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.  
Previous Wording: 5.5 Meeting Item Requests. Any Commissioner may place an item on the agenda by so requesting in a public meeting or by contacting the County Manager. All Commissioners will be advised by the County Manager as soon as reasonably possible of any Commissioner’s request to place an item 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. The Commissioner Support Team is exempt from this requirement.

## ARTICLE 6 COMMISSION MEETING PROCEDURES

Proposed language consolidates all previous sections of the Rules that referenced Board meetings. Changes of note:

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.

6.7 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.

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).

## ARTICLE 7 COMMISSIONER CONDUCT AND COMMUNICATIONS

Proposed language consolidates all previous sections of the Rules that referenced Commissioner conduct and communications. Changes of note:

### 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.

### 7.5 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.

## ARTICLE 8 BOARDS, COMMISSIONS AND COMMITTEES

Proposed language consolidates all previous sections of the Rules that referenced boards and citizen appointees. Changes of note:

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.

**ARTICLE 9 COMMISSIONER TRAVEL AND REIMBURSEMENT**

Proposed language refers to adherence to the Travel Regulations in WCC 5.351 and Comptroller's Memo on reimbursement.

**ARTICLE 10 LOBBYING**

Proposed language refers to adherence to the Washoe County Lobbying Policy.

**ARTICLE 11 AMENDMENTS**

Proposed language allows amendments as needed.

**FISCAL IMPACT**

No Fiscal Impact.

**RECOMMENDATION**

Discussion and possible adoption of the Washoe County Board of Commissioners Rules of Procedures Handbook as recommended by Staff and any additional amendments proposed by the Board.

**POSSIBLE MOTION**

Move to adopt the proposed Washoe County Board of Commissioners Rules of Procedure as recommended by staff and with additional amendments approved by the Board.