

WASHOE COUNTY BOARD OF COMMISSIONERS

**RULES OF PROCEDURE
HANDBOOK**



ADOPTED - Upon Board Approval

ARTICLE 1 - TITLE

This document shall be known as the Washoe County Board of Commissioners Rules of Procedure Handbook (“Rules of Procedure”).

ARTICLE 2 - PURPOSE

The purpose is to establish rules of procedure for the conduct of meetings and members of the Board of County Commissioners, where such rules are consistent with the laws of the State of Nevada.

ARTICLE 3 - POLICY

The Rules of Procedure are not intended to legally bind the Washoe County Commission and are for the benefit of the Commission and do not confer any rights upon third persons.

ARTICLE 4 - COMMISSION MEETINGS

These rules shall be interpreted consistently with any laws applicable to Commission meetings, including but not limited to NRS chapter 241 (aka the Open Meeting Law). Nothing in these rules is intended to conflict with or override any mandatory provisions of applicable law.

ARTICLE 5 - COMMISSION MEETING PREPARATION

5.1 Time and Location. All regular meetings of the County Commission shall be held at the times and locations specified by Washoe County Code 5.017 and NRS chapter 244, and in compliance with Nevada Revised Statutes (NRS) Chapter 241 Open Meeting Law.

5.2 Open to the Public. All meetings of the County Commission and of committees thereof shall be open to the public, except as provided in compliance with law including but not limited to NRS 288.220

5.3 The Chair is the Presiding Officer. The Chair shall preside at meetings of the Commission and be recognized as the head of the County for all ceremonial purposes. In case of the Chair’s absence or temporary disability, the Vice-Chair shall act as Chair during the absence or temporary disability. In case of the absence or temporary inability of the Chair and the Vice-Chair, an acting Chair selected by members of the Commission shall act as Chair during the continuance of absences. The Chair or Vice-Chair is referred to as “Presiding Officer” from time-to-time in these Rules of Procedure.

5.4 Quorum. At all meetings of the Commission, a majority of the Commission members who hold office shall constitute a quorum for the transaction of business. However, subject to all applicable law governing vacancies, and unless applicable law specifies a higher threshold, the Commission may only take action on any matter by an affirmative vote of a majority of the entire Commission.

5.5 Agenda Item Requests. A Commissioner may request that an item be placed on the agenda by providing a written request to the County Manager. The Manager may provide the item to staff he or she designates, such as budget, risk management, human resources, legal, for review. After staff review, the Manager shall provide the matter to the Chair to review for placement on the agenda. The Chair may decline to place the item on the agenda if the item conflicts with the law and/or affects the County’s ability to carry out its operations. If approved by the Chair, the requesting Commissioner will be provided with an estimated timeline for the item to be placed on the agenda.

5.6 Requests of Staff Time by Commissioners. Commission members shall not request from staff work on any matter that entails over two (2) hours of staff work without seeking approval of the Commission through an item placed on the Board agenda. Commissioner requests that are considered on an agenda for this purpose should identify the Strategic Objective/Fiscal Goal that is related. If no Strategic Objective/Fiscal Goal is related, it must be noted. Requests that entail less than two (2) hours of work must be made in writing and approved by the County Manager.

5.7 Attendance. Commission members are expected to attend all scheduled meetings. If a member is unable to attend a scheduled meeting, the member shall contact the Chair and County Manager prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Chair, the member shall contact the County Manager who shall convey the message to the Presiding Officer.

5.8 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.

5.9 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. However, meetings that can be attended by only three Commissioners should not be scheduled without formal action by the Commission to approve that participation.

5.10 Commission Material. Commission members and affected staff should read the agenda material in preparation for the Commission meeting at <https://washoe-nv.legistar.com/Calendar.aspx>. If a Commission member needs clarification on an issue, the Commissioner should contact the County Manager, Assistant County Manager or Department Head for clarification prior to the Commission meeting, when possible.

5.11 Consent Agenda. The County Manager, in consultation with the Presiding Officer, shall place matters on the consent agenda which: (1) have been previously discussed by the Commission; or (2) based on the information delivered to members of the Commission by administration can be reviewed by a Commission member without further explanation, (3) have a financial impact to the organization of \$300,000 or less; or (4) are so routine, technical or “housekeeping” in nature that passage without discussion is likely.

ARTICLE 6 – COMMISSION MEETING PROCEDURES

6.1 Motions and Discussion.

- 6.1.1** All items of business before the Commission that require the expenditure of Commission and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent “approval by default” of a failed negative motion.
- 6.1.2** 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.
- 6.1.3** When possible, Commission members should direct questions primarily to the County Manager, with legal issues/questions being directed to the District Attorney.

6.2 Order of Business. The agenda should be arranged to serve the needs and/or convenience of the Commission and the public. The Presiding Officer may rearrange items on the agenda to conduct business before the Commission more expeditiously. The ordinary order of business is:

- 6.2.1** Salute to the Flag

- 6.2.2 Roll Call
- 6.2.3 Appearance/Presentations (Non-Action)
- 6.2.4 Public Comment
- 6.2.5 Commissioners’/County Manager’s announcements
- 6.2.6 Appearance/Presentations (Action)
- 6.2.7 Proclamations/Declarations
- 6.2.8 Donations
- 6.2.9 Consent Items
 - 6.2.9.1 Includes approval of minutes of previous meetings
- 6.2.10 Standard Department Items
- 6.2.11 Public Hearing
- 6.2.12 Public Comment
- 6.2.13 Possible Closed Session – Labor Negotiations/Attorney Client
- 6.2.14 Commissioners’/County Manager’s Comments
- 6.2.15 Adjournment

6.3 Closed Session. It may be necessary to conduct closed session meetings of the Commission for the purpose of discussing certain matters designated as confidential by law, including Washoe County labor issues or attorney client meetings. During any closed session of the Washoe County Commission, the Caucus Room shall be reserved solely for the use of the members of the Commission and designated staff of Washoe County. Except as otherwise provided by law, no other person shall be permitted to attend whether they be members of the press, news media or members of the public at large. These meetings will be compliant with applicable law including NRS 288.220. The content of these meetings is confidential and may only be shared after approval of the Board.

6.4 Virtual Appearance. A Commissioner may participate virtually in all or part of a Commission meeting if it complies with NRS 241.023 and related Open Meeting Law Rules on participation by Remote Technology System, with the following factors being taken into account:

- 6.4.1 Prior approval is given by the Chair or presiding officer for good cause, whose approval shall not be unreasonably withheld.
- 6.4.2 All persons participating in the meeting are able to hear each other at the same time by the use of virtual connection.
- 6.4.3 Commissioner participating virtually shall have reviewed all of the applicable material and participated in the relevant portion of the Commission meeting related to the topic to which the Commissioner is voting on.
- 6.4.4 During any meeting that a Commissioner is attending virtually, the Chair or presiding officer shall state for the record that a particular Commissioner is attending virtually.
- 6.4.5 Commissioners appearing virtually may participate and vote during the meeting as if they were physically present at the meeting.
- 6.4.6 Commissioners appearing virtually shall comply with all rules and procedures as if the were physically present at the meeting.
- 6.4.7 Where Commissioner(s) attend by virtual appearances, the procedure for public comment shall be read into the record.

6.5 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 County Commission shall immediately leave Chambers.

6.6 Permission Required Addressing the Commission. 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. Once the Board meeting begins, members of the Board should refrain from engaging in private discussion with any non-staff member of the audience regarding any item before the Board.

6.7 Voting. The votes during all meetings of the Commission shall be transacted as follows:

- 6.7.1** The Chair has full voting authority as any other Commission member.
- 6.7.2** 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.
- 6.7.3** In case of a tie vote on any proposal, the motion shall be considered lost.
- 6.7.4** 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 reflect, whether the motion carried or failed.
- 6.7.5** 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 such as a direct personal or 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 if at all possible, should 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 recuse.
- 6.7.6** Ex Parte Communication. A Board member 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 Board.

6.8 County Manager. 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. The County Manager shall be responsible to the Commission for the proper administration of all affairs of the County. The County Manager shall recommend for adoption by the Commission such measures as he/she may deem necessary or expedient; prepare and submit to the Commission such reports as may be required by the body or as the County Manager deems it advisable to submit; keep the Commission fully advised as to the business of the County; and shall take part in the Commission's discussion on all matters concerning the welfare of the County. If the County Manager is unable to attend a Commission meeting, the County Manager shall appoint a staff member to attend the meeting in their absence.

6.9 County Clerk. 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.

ARTICLE 7 – ADMINISTRATION

7.1 Election of Officers. The County 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.

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

- 7.2.1** 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.
- 7.2.2** A request to reconsider must be made by a Commissioner who voted on the prevailing side of the item being reconsidered. If requested pursuant to this section, the item will be agendaized for action at a future meeting to allow for legal notice.
- 7.2.3** A previous item failing by virtue of a tie vote may be requested by any Commissioner and must be brought back in accordance with NRS 244.060.

- 7.1 Board Correspondence.** When a Board member sends out correspondence stating that Board member's official position regarding a constituent complaint or other County issue, a copy of said correspondence, either paper or electronic, will be retained on file in the Office of the County Manager and copies sent to the other Board members.
- 7.2 Commissioner Travel.** Each Commissioner, as a general rule, will be allocated 20% or 1/5 of the annual Commissioner travel/training budget for professional development and attending training and conferences. 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.
- 7.3 Commissioner Auto Expense.** Each Commissioner will submit their individual mileage reimbursement log related to business travel via their personal automobile on a quarterly basis as a minimum with a mandatory fourth quarter deadline of June 30 of each year to align with fiscal budgets.

ARTICLE 8 – BOARDS AND COMMISSIONS

- 8.1 Board Member Appointment to Certain Boards, Commissions and Committees.** Unless otherwise prescribed by statute or regulation, board member appointment to boards, commissions and committees is limited to two consecutive terms as defined by the respective board or committee. In the event a board member has served two terms on one of the above boards, and no other board member wishes to serve on the board, then the board member can be reappointed to the board 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.
- 8.2 Terms of Service of County Appointees on Boards, Commissions and Committees.** Except as otherwise provided herein, the limit of service for an individual appointed to a board is two consecutive terms. The limit of service for an individual appointed to a Citizen Advisory Board is three consecutive terms. An individual 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 an individual's appointment if there are no other qualified applicants. 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.
- 8.3 Resignations of County Appointees from Boards, Commissions and Committees.** A resignation by an appointee from a County 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 appointee after that time.
- 8.4 Communications by Persons Appointed by the Board of County Commissioners to Boards, Commissions and Committees.** Persons appointed to serve on boards are expected to recognize and serve the needs and interests of the citizens of Washoe County, although they may represent a wide range of views on matters of policies. In their capacity as appointed board members, they agree to show respect and civility to one another, staff, and citizens. The County Commissioners expect appointed persons to be dedicated to maintaining collegiality and the honor of the board and Washoe County. Appointed persons are expected to adhere to the Washoe County Code of Conduct, as is required of all employees and officers.

ARTICLE 9 – COMMISSION COMMUNICATIONS

9.1 Overview. Unless made confidential by law such as attorney-client privilege matters, all letters, memoranda, and interactive computer communication involving Commissioners that relate to the conduct of government, or the performance of any governmental function, are public records. Any public business conducted via personal emails, phones or other means is also a public record.

9.2 Written Communication. Written correspondence received by the Commission, addressed to the Commission as a body will be provided to all Commission members, and a record kept according to the County’s records and retention schedule.

9.3 Electronic Communications. Commission members shall avoid email/text exchanges that ultimately involve three or more Commission members.

9.4 Commissioner Communications. The Commissioners recognize and serve the needs and interests of the citizens of Washoe County, although they may represent a wide range of views on matters of policies. The Commissioners are dedicated to showing respect and civility to one another, staff, and citizens. The County Commissioners are dedicated to maintaining collegiality and the honor of the office. The Commissioners agree to adhere to the Washoe County Code of Conduct.

9.5 Commissioner to Commissioner Communications.

9.5.1. County Commissioners are committed to demonstrating open, honest, and respectful communications with each other, staff, and the public we all serve.

9.5.2 Communication among Commissioners outside of public meetings shall comply with the Nevada Open Meeting Law.

9.5.3 The Chair, or in his/her absence, the Vice-Chair, will address any issues or concerns regarding communication protocols involving other Commissioners.

9.6 Commissioner to Staff Communications.

9.6.1 The Board holds the County Manager accountable to exercise the authority and responsibility to manage County staff, and to provide for effective communication and direction to staff, Commissioners will go through the County Manager or Assistant County Managers to request staff assistance or to give staff direction in appointed departments. In the event of an emergency that will not permit a commissioner to go through the County Manager or Assistant County Managers, Commissioners may request staff assistance or provide limited direction to Department Heads, with a copy to the County Manager as soon as it is reasonably possible.

9.6.2 Commissioners will go through elected Department Heads with any requests in their areas of responsibility.

9.6.3 In no case should individual Commissioners give direction to or seek “substantial staff assistance directly from staff Department Heads without first notifying the County Manager or the Assistant County Managers. Substantial staff assistance is defined as staff effort requiring more than one (1) employee’s time, or more than two (2) hours of total staff time. Requests for staff time exceeding this definition of two (2) hours are covered in Article 7 of this document. This 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.

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

- 9.6.5 In the event that a matter is confidential and cannot be communicated to the County Manager, Assistant County Managers or Department Heads, the District Attorney’s office should be consulted through the Chair.
- 9.6.6 Staff members will apprise their Department Head and County Manager whenever they communicate with a commissioner on official County business.
- 9.6.7 Staff will advise Commissioners through the County Manager of any communications from the public, other staff, or outside agencies that may affect their districts and/or their constituents.

9.7 Commissioner to Media & Constituent Communications

- 9.7.1 The Chair, Vice-Chair when acting as Presiding Officer and/or the County Manager are the official spokespersons for the Board of County Commissioners and Washoe County and/or they may identify the proper subject matter expert to speak on behalf of the Commission.
- 9.7.2 Commissioner to media communications: Commissioners speaking to the media will clearly indicate whether comments that they are expressing are the official position of the Washoe County Board of Commissioners or represent their own personal views.
- 9.7.3 Commissioners should advise the Chair, Vice-Chair and the County Manager when making comment to the media regarding policy-making decisions on Commission/Washoe County related matters.
- 9.7.4 Commissioners’ media comment must accurately reflect the Commission’s position on the topic as determined by the Commission and in accordance with the current Washoe County Strategic Plan objectives and goals.
- 9.7.5 Commissioner to Constituent communications: Any communications to constituents should include transparent communication methods, identifying the role of staff and County resources.

ARTICLE 10 – COMMISSION LOBBYING

- 10.1 **Overview.** Washoe County has determined that to provide for the security and welfare of the citizens of Washoe County it is necessary for county officers and employees to participate in the State of Nevada’s biennial legislative process, including legislative and lobbying activities, and in so doing, those county officers are carrying out public business. The *Washoe County Lobbying Policy: State Legislature* provides guidelines and requirements that must be followed by all county officers, employees and contract lobbyists while engaged in such legislative and lobbying activities.
- 10.2 **Obligations.** County Commissioners who lobby or act as an issue expert before the Nevada State Legislature on behalf of Washoe County shall:
 - 10.2.1 Abide by all applicable Washoe County policies, including the Washoe County Lobbying Policy: State Legislature;
 - 10.2.2 Abide by all applicable Washoe County Code requirements;
 - 10.2.3 Abide by all applicable State Statutes and Nevada Administrative Code requirements;
 - 10.2.4 Abide by all policies of the Nevada State Legislature.

ARTICLE 11 – USE OF RULES

- 11.1 **Purpose.** These County Commission Rules of Procedure are designed to provide guidance for the Commission. They are not to be considered restrictions or expansions of County Commission authority. These rules have been prepared from review of many statutes, codes, court cases and other sources, but they are not intended to be an amendment or substitute for those statutes, codes, court cases or other authority.

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

11.3. Public Use or Reliance Not Intended. Because these rules are designed to assist the County Commission 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 by members of the public. These rules do not amend statutory or other regulatory (such as County Code) requirements.

ARTICLE 12 - AMENDMENTS

Amendments to the Rules of Procedure may be proposed at any regular meeting and voted upon at any succeeding meeting, provided that at least a majority affirmative vote of the membership shall be required for adoption of such amendment.

APPROVED, AMENDED, and ADOPTED this day of

WASHOE COUNTY BOARD OF COMMISSIONERS:

By: ALEXIS HILL, Chair

Attest

Janis Galassini, County Clerk