

**Carson City  
Agenda Report**

**Date Submitted:** April 24, 2012

**Agenda Date Requested:** May 3, 2012

**Time Requested:** 60 mins

**To:** Mayor and Supervisors

**From:** City Manager

**Subject Title:** For Possible Action: To adopt policies and procedures for the City's Boards, Committees and Commissions.

**Staff Summary:** The requested action is to establish policies and procedures for defining the purpose and authority, applications for appointment, appointment authority, appointment procedures, terms and term limits, attendance policy, multiple appointments, conflict of interest, public process, lobbying, removal of members, staff support, organizational procedures and procedures for establishing new boards, committees, and commissions.

**Type of Action Requested:** (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to the adopt policies and procedures for the City's Boards, Committees and Commissions as discussed.

**Explanation for Recommended Board Action:** See staff summary.

**Applicable Statute, Code, Policy, Rule or Regulation:** None

**Fiscal Impact:** None

**Explanation of Impact:** The policies and procedures proposed herein do not require additional staff time or resources.

**Funding Source:** N/A

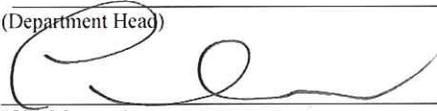
**Alternatives:** Do not adopt the proposed policies and procedures and remand to staff for further analysis.

**Supporting Material:** Draft Policies and Procedures for Boards, Committees and Commissions

**Prepared By:** Lawrence A. Werner, P.E., P.L.S.

Reviewed By: \_\_\_\_\_

(Department Head)



(City Manager)

Date: \_\_\_\_\_

Date: 4/24/12



(District Attorney)

Date: 4/24/12



(Finance Director)

Date: 4/24/12

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Carson City, Nevada  
Boards, Committees, and Commissions

Policies and Procedures  
April 24, 2012

# Table of Contents

PURPOSE AND AUTHORITY .....	1
EQUAL OPPORTUNITY .....	1
APPLICATION .....	1
TYPES .....	1
APPOINTMENT AUTHORITY .....	3
APPOINTMENT PROCEDURES .....	3
Vacancies to be advertised.....	3
Qualification and Residency Requirements.....	3
Methods of Appointment.....	3
Filling Mid-term vacancies.....	4
Incumbent Must Reapply.....	4
Criteria for Appointment.....	4
Background Check.....	5
TERMS .....	5
TERM LIMITS .....	5
ATTENDANCE POLICY .....	6
MULTIPLE APPOINTMENTS .....	6
CONFLICT OF INTEREST .....	6
PUBLIC PROCESS (OPEN MEETING LAW).....	7
LOBBYING.....	7
REMOVAL OF MEMBERS .....	7
ASSIGNMENT OF STAFF SUPPORT .....	7
OPERATION PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES .....	8
Organization.....	8
Preparation of Agendas.....	8
Records .....	9
Communication with Board of Supervisors.....	9
Meeting location .....	9
Compensation .....	9
Rules of Procedure (Bylaws) .....	9
Meeting Guidelines.....	10
Quorum Required.....	10
1. No Quorum Possible.....	10
2. Late Quorum.....	10
3. Lost Quorum.....	11
Officers and Minutes.....	11
Terms for Chair.....	11
Legal Counsel .....	11
Staff Liaisons .....	12
Staff Reports to Board of Supervisors .....	12
PROCEDURE FOR ESTABLISHING A NEW BOARD, COMMITTEE OR COMMISSION.....	12
By Proposal of Citizens or City Departments.....	12
By Board of Supervisors' Action.....	13
Appendix A - Types of Committees .....	14
Appendix B - Department Assignments .....	16

# Boards, Committees, and Commissions

## PURPOSE AND AUTHORITY

Boards, committees, and commissions exist for the primary purpose of gathering information and presenting options and recommendations for consideration to the Carson City Board of Supervisors. Boards, committees, and commissions are created under the authority of the Carson City Charter, Chapter 2.320. Individual boards, committees, and commissions retain no official independent authority or responsibility and serve only in an advisory capacity unless otherwise directed by the Nevada Revised Statutes, Carson City Charter, Carson City ordinance, resolution of the Board of Supervisors or by order of law.

## EQUAL OPPORTUNITY

The goal of Carson City is to encourage a diverse membership on its boards, committees, and commissions. Equal opportunity is good business and applies to areas of citizen involvement. Carson City does not discriminate in its selection decisions based on race, religion, color, national origin, gender, gender identity or expression of a person, sexual orientation, age, political affiliation, pregnancy, military status, disability genetic information, or any other basis. The selection of members of a board, committee, or commission is based solely on merit and fitness.

## APPLICATION

This policy applies to all appointed boards, committees, and commissions, Carson City offices/departments and to all elected officials, department directors and their employees except as stated below.

This policy does not apply to the Carson City Board of Supervisors, the Carson City Liquor and Entertainment Board, the Carson City Board of Health, the Carson City Redevelopment Authority, nor any non-City board, committee, or commission created by state or federal law on which a member of the Board of Supervisors sits or where the Carson City Board of Supervisors is required to appoint a portion of the membership but not a majority of the membership.

This policy does not apply to internal committees established by Directors for informal processes such as the Human Resources' Director's Insurance Committee, the City's Risk Management Committee, or the City Manager's Internal Finance Committee. These committees exist at the discretion of the Director's and do not involve non-city members.

## TYPES

Boards, committees, and commissions are created by state law, Carson City Charter, or ordinance or resolution of the Board of Supervisors.

Each committee is unique in its purpose, mission, and role. It is especially important that members be familiar with their committee's governing statutes, ordinances, or controlling resolutions and other authorizing documents so they understand the framework within which the committee must operate. The City's executive department advisory bodies may in some cases not be a public body under the Open Meeting Law.

There are four main types of committees (See Appendix A.):

#### Advisory Boards, Committees, and Commissions

The Board of Supervisors, elected executive officials, the City Manager, and department directors may create these. The members serve as advisors on policy and/or operational matters to the City's executive department or to the Board of Supervisors. Advisory bodies may study existing policy and/or operational procedures for changes or implementation. Advisory bodies do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of City government. Examples of advisory bodies are the Parks and Recreation Commission and the Redevelopment Authority Citizen's Committee which are also public bodies under the Open Meeting Law

#### Legislative Boards, Committees, and Commissions

Legislative boards, committees, and commissions are created by state law with the membership appointed by the Carson City Board of Supervisors, or, in the case of the Board of Supervisors, elected to the board by the community. Boards, committees or commissions with legislative authority have the ability to make, amend or repeal ordinances and regulations. An example of a legislative body is the Carson City Redevelopment Authority's ability to zone or rezone in a redevelopment area.

#### Regulatory Boards, Committees and Commissions

Usually, these types of bodies are created by statute or ordinance and perform rule-making or administrative hearing functions. In fulfilling these functions, they operate as a review and appeals body. As an appeals body, they hear individual cases and rule on them; their decisions, however, are usually subject to further appeals, which might include a hearing officer, or Board of Supervisor or a State board, or judicial review. Examples of regulatory bodies are the Board of Equalization and the Carson City Board of Health.

#### Member of a Non-City Board, Committee, or Commission

The boards, committees, and commissions listed under this heading are created by other governments or agencies and the City has been asked (or mandated by state or federal law) to supply a member(s). An example of a board that's not created by the Carson City Board of Supervisors but the Board selects members is the Nevada Association of Counties (which is a nonprofit corporation) or the Tahoe Regional Planning Agency Governing Board (which is a bi-state government public body).

## APPOINTMENT AUTHORITY

Members are appointed by resolution or minute order to the various boards, committees, and commissions by a majority vote of the Carson City Board of Supervisors or by the Mayor of Carson City as set out in the particular state law, ordinance, or resolution of the Board of Supervisors.

## APPOINTMENT PROCEDURES

The methods by which non-elected citizen members are to be appointed to certain City public bodies are:

### *Vacancies to be advertised*

The Carson City Executive Office staff shall publicize vacancies on the City's boards, committees, and commissions and solicit and review applications for membership from interested citizens. Notice shall be published in the official city newspaper and on the City's website by means of an announcement naming the type of vacancy, where to obtain an application and the closing date for accepting applications. Applications may be accepted between application periods and held until the next vacancy occurs. The notice should be made at least four weeks in advance of the end of the term and the application period should remain open for a minimum of two weeks. When an incumbent's term expires, they will be notified and given the opportunity to indicate their desire to be re-appointed.

Commissioners, existing board, committee members, and others are encouraged to solicit citizens, who they believe would serve the city well, to apply for vacancies. If no applications are received by the expiration of the application period, or if applicants fail to receive majority support, the members of the Board of Supervisors may as individuals privately solicit, or collectively take public action to solicit individuals to serve and may appoint members without another open application period.

### *Qualification and Residency Requirements*

Section 2.320 of the Carson City Charter requires that a person sitting on an advisory board that only serves Carson City must be a resident of Carson City and registered to vote in Carson City.

### *Methods of Appointment*

- A. When a board, committee, or commission is first created, the members shall be appointed by the Board of Supervisors after review of the applications and interviewing the candidates.
- B. After the initial formation of the board, committee, or commission, any vacancy occurring for any reason shall be filled by the following method:
  1. The remaining members of the board, committee, or commission, if that number constitutes a quorum, shall review the applications submitted to the Executive Office staff and shall by majority vote

- select a number of people equal to the number of vacancies occurring and shall submit those names to the Board of Supervisors for approval.
2. Upon receipt of the recommendations of the board, committee, or commission for the appointment or reappointment of a member, the Board of Supervisors may accept or reject the recommendation without interview or the Board of Supervisors may interview the applicants prior to making its decision.
- C. Without limitation, the provisions of paragraph B(1) and (2) above do not apply to the following boards, committees or commissions:
1. Carson City Debt Management Commission,
  2. Carson City Parks and Recreation Commission,
  3. Carson City Planning Commission,
  4. Carson City Convention and Visitors Bureau,
  5. Carson City Charter Review Committee,
  6. Carson City Redevelopment Authority Citizens Committee,
  7. Carson City Board of Appeals (Building),
  8. Carson City Airport Authority
  9. Regional Transportation Commission

#### ***Filling Mid-term vacancies***

Should a mid-term vacancy occur on a board, committee, or commission, the Board of Supervisors may appoint a replacement member to complete the remainder of the term, as provided by this policy and state law. If applications for the original appointment are less than one year old, the Board may appoint a replacement from the original pool of applicants.

#### ***Incumbent Must Reapply***

Any member of a board, committee, or commission whose term is near expiration may apply for reappointment by sending a letter to the City's Executive Office on or before the date of the expiration of his or her term.

#### ***Criteria for Appointment***

- A. *Residency.* Appointment to certain boards, committees or commissions must, by state law, ordinance, resolution or City requirements, be limited to residents of Carson City. Persons residing outside the City may be considered and appointed to positions not legally restricted to City residents when determined appropriate by the Board of Supervisors.
- B. *Criminal Record:* A person convicted of a felony, domestic violence or a gross misdemeanor will not be permitted to serve on a City board, committee, or commission.
- C. *Conflicts.* City employees (including elected officials), persons that have been a City employee and/or an elected official during the previous twelve months, and persons that have a contract for services and/or goods with the

City are not eligible for appointment to City boards, committees or commissions unless the intent of the committee so requires it or is otherwise provided by law.

- D. *Contributive Potential.* The Board of Supervisors shall evaluate the potential contribution that each applicant may make if appointed to a board, committee, or commission. Guiding factors include:
1. Desire to perform the service.
  2. Ability to express ideas, concepts, and philosophies.
  3. Experience in the community.
  4. Special knowledge important to a particular board, committee, or commission, yet with the ability to represent the interests of the community as a whole and not a special interest.
  5. Ability to work collaboratively with other members, staff, and officials.
- E. *Time available.* The Board of Supervisors will need assurance that the applicant will be available to attend scheduled meetings.
- F. *Reappointments.* There is not a vested right to reappointment for any position. Incumbents who wish to be reappointed and who are eligible for reappointment shall submit an application during the application period. In addition to the criteria above, the Board of Supervisors will also evaluate incumbents using the following criteria:
1. Attendance. The expected minimum standard of attendance at all meetings is 75%, regardless of whether absences are excused or unexcused.
  2. Understanding the function of the board, committee, or commission.
  3. Contribution to the success of the board, committee, or commission.
  4. Effectiveness as a participating member of the body.
  5. Number of terms served.

### ***Background Check***

After being recommended for appointment by the Board of Supervisors, the successful applicant must successfully complete a pre-appointment background check. The scope of a background check is within the discretion of the City and may vary from person to person and among different appointive positions.

### **TERMS**

Whenever possible, terms will be set to expire at either yearend or mid-year. The same expiration date may apply to all terms of the board, committee, or commission. Terms may be adjusted as necessary to maintain staggered expiration dates.

### **TERM LIMITS**

Unless otherwise specifically waived by the Board of Supervisors, it is the general policy that appointment term limits shall be twelve (12) years as follows: Where maximum terms of service are specified, appointees:

1. serving a two (2) year term may be reappointed five times for a maximum of six (6) terms;

2. serving in a three (3) year term may be reappointed three times of a maximum of four (4) terms;
3. serving a four (4) year term may be reappointed twice for a maximum of three (3) terms; and
4. serving a five (5) year or greater term may be reappointed once for a maximum of (2) two terms.

Some boards, committees or commissions may have different term lengths and term limits that are exceptions to these general rules.

For a term of two (2) years or less, appointments of less than one (1) year made to fill an unexpired term shall not be considered as a full term. Appointments of one (1) year or more shall be considered a full term.

For a term greater than two (2) years, appointments of less than two (2) years made to fill an unexpired term shall not be considered as a full term. Appointments of two (2) years or more shall be considered a full term.

Members shall continue to serve after the expiration of their term until a new appointment or reappointment is made, or the member resigns in writing.

#### ATTENDANCE POLICY

All board, commission and committee members shall attend at least seventy five percent (75%) of all meetings in the preceding twelve (12) month period. No differentiation is made between excused or unexcused absences of members.

#### MULTIPLE APPOINTMENTS

No non-elected person shall be nominated or confirmed on more than one board, committee, or commission at a time. The prohibition does not apply to multiple appointments created by specifying certain representative memberships, expressly created by the Board of Supervisors.

#### CONFLICT OF INTEREST

All members of boards, committees, or commissions must avoid any instance of a conflict of interest. No individual may use an official position to gain personal advantage. If a member of a board, committee, or commission concludes that they have a conflict of interest or an appearance of fairness issue with respect to a matter pending before the board, committee, or commission, they shall disqualify themselves from participating in the deliberations and decision-making process for the matter. A member so disqualifying himself or herself shall have no personal presence before or direct communication with the other members regarding the matter. Failure of a member to disclose that he or she has a conflict of interest on a matter under consideration by the particular board, committee, or commission may be cause for removal from the board, committee, or commission.

A member convicted of a felony, domestic violence or gross misdemeanor shall resign from the board, committee or commission within 30 days of the conviction.

#### PUBLIC PROCESS (OPEN MEETING LAW)

In enacting NRS 241, the Nevada Legislature found and declared that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that public body actions be taken openly and that their deliberations be conducted openly. Generally a public body means any administrative, advisory, executive or legislative body of a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof.

It is the responsibility of every member of a board, committee, or commission to understand the requirements of the Open Meeting Law and to assure that they individually and the board, committee, or commission as a whole operates within the letter and spirit of the law. The city will provide annual training on the Open Meeting Law and the Nevada Ethics requirements to assist the members of a board, commission, or committee in understanding the requirements of the law. Members are required to attend this training within twelve (12) months of appointment.

#### LOBBYING

Unless expressly authorized by the Board of Supervisors, no board, commission, or committee, or any member of a board, commission or committee shall engage in lobbying on legislative or political matters on behalf of the board, commission or committee of Carson City. Individual appointees that choose to lobby or give legislative testimony as a private citizen shall not refer to any appointment to a Carson City public body in a way that implies unauthorized authority to speak on behalf of the City or the public body to which they are appointed.

#### REMOVAL OF MEMBERS

Except as otherwise limited by applicable law or ordinance, the Board of Supervisors may, by majority vote, remove any of its appointed members of a city board, commission, or committee with or without cause. Members removed by the Board shall be so notified. If the member was appointed by and represents another organization or government jurisdiction, the agency shall be notified of the Board's desire that the member be lawfully removed.

#### ASSIGNMENT OF STAFF SUPPORT

Carson City has a number of established boards, committees, and commissions that are assigned to departments. When boards, committees or commissions deal primarily with issues of a single department, they are typically assigned to that department for staff support. These boards, committees, and commissions are listed in Appendix B. Elected executive officials and department directors are responsible to provide liaison, leadership, facilitation, and/or administrative support to those boards, committees, and commissions assigned to them.

## OPERATION PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES

### *Organization*

Except as otherwise provided by law, ordinance or resolution, there shall be an annual election of a chairperson and vice-chairperson held by all boards, committees, and commissions created by the Board of Supervisors. The Chairperson is the key to the entire group process and is the hub of the action. The chairperson must balance being strong enough to make certain the meeting is run by the rules, but wise enough to use the power and authority of the position to ensure a fair democratic process is provided to all members of the group and to the public at large. The chairperson's ability to handle meetings will have a significant impact on the moral, operation and effectiveness. The chairperson must make certain that discussions do not get sidetracked on minor issues and must have the ability to see the whole picture. The most important part of being chairperson lies in the ability to find common ground and in achieving a compromise, if appropriate. The chairperson must be able to represent the entire group to the BOS and community groups. Unless otherwise provided by law, ordinance or resolution, a Board of Supervisor member appointed to a board, committee, or commission shall not serve as chairperson or vice-chairperson.

### *Preparation of Agendas*

Matters within the scope of the body's authority which are desired to be heard by a board, committee, or commission member, the department director, the City manager or a Board of Supervisors member shall be placed on the agenda on or before the time of agenda signing by using the appropriate board, committee, or commission agenda form and shall be attributed to the requestor.

Matters within the scope of the body's authority desired to be heard by an individual citizen or outside entity shall submit a letter of request to appear before the board, committee, or commission no less than fourteen (14) days prior to the next scheduled board, committee, or commission meeting. The letter should be addressed to the liaison department (See Appendix B) and should describe the item to be considered, whether it is a discussion or action item and the approximate time needed. Any supporting documents must be submitted no less than seven (7) working days prior to the meeting date. The liaison department will submit the request to the chair who will timely advise the department whether to place the matter on the agenda or otherwise advise the requester that the chair will not place the matter on the agenda unless requested to do so by another member, the department director, the City manager or any member of the Board of Supervisors.

The Chairperson will work with the staff liaison to review agendas for appropriate timing and placement of items. Except as otherwise provided regarding citizen or entity requests, the chairperson does not have the authority to remove items from the agenda or to prevent placement of items on an agenda.

### ***Records***

Boards, committees, and commissions are covered under the public records statutes of Nevada. Procedural compliance with the law is a function of staff liaison support in most instances. However, from time to time, members of boards, committees, and commissions will receive communication regarding matters within their scope of activities. All types of communications, including email, constitute a public record and the city is obligated to retain it in accordance with guidelines and policies prescribed by law. Similarly, communications to members, to citizens, officials and staff are public records as well. Members of boards, committees, and commissions should provide a copy of all communications to their respective staff liaison for inclusion in the public record.

### ***Communication with Board of Supervisors***

Expressions of a board, committee, or commission's position, recommendation or request for any action shall be in the form of a resolution, motion or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication and shall be directed to the Board of Supervisors and the City Manager. It should be emphasized that when a member who is present at a Board of Supervisor's meeting is asked to address the Board of Supervisors on a matter, the member should represent the viewpoint of the particular board, committee, or commission as a whole (not a personal opinion); unless a proper qualification is made.

### ***Meeting location***

The Board of Supervisors, through the City Manager will designate meeting locations for the City's boards, committees, and commissions. To the greatest extent feasible, the meetings will be held at a location that has capability for televising the meeting.

### ***Compensation***

Members of boards, committees, and commissions serve without compensation unless authorized by statute, ordinance or resolution adopted by the Board of Supervisors. Members may be reimbursed for authorized travel expenses incidental to their service.

### ***Rules of Procedure (Bylaws)***

Boards, committees, and commissions operating under the auspices of the Board of Supervisors may, depending on the nature of the group, adopt rules to address procedural considerations. Such rules of procedure shall not become effective until reviewed and confirmed by the Board of Supervisors.

Every board, committee, and commission should have a set of bylaws to direct and clarify its actions, procedures and organization. Bylaws are the guidelines by which a board, committee, or commission functions. Each board, committee, or commission may either develop its own set of bylaws or choose to adopt the meeting guidelines outlined below as their bylaws.

According to *Robert's Rules of Order*, bylaws define the primary characteristics of an organization, prescribe how it should function, and include rules that are so important

that they may not be changed without prior notice to members and a formal vote and agreement by a majority of the members appointed to the board, commission or committee. Ordinarily, bylaws may only be changed by a two-thirds majority of the members appointed to the board, commission or committee.

If a board, committee, or commission chooses to adopt its own bylaws, they will generally include a number of articles such as the following:

- Name of the board, committee, or commission
- Mission statement
- Membership
- Officers
- Meetings
- Committees, subcommittees
- Parliamentary procedure – often including the name of the manual of parliamentary procedure the board, committee, or commission will follow
- Amendment procedures for making changes in the bylaws

Bylaws should include expectations as well as guidelines for members. Issues such as attendance, responsibilities, and discipline should be addressed in the bylaws. Board, committee, and commission members are expected to adhere to bylaws and all relevant statutes.

### *Meeting Guidelines*

#### **Quorum Required**

In the absence of any super majority required by law or ordinance, a quorum consisting of at least fifty one percent (51%) of the board, committee, or commission is required to have a meeting and transact any business. The quorum requirement protects against unrepresentative deliberations or actions by a small number of individuals. In some cases, the governing law or document will establish what the quorum will be.

The law does not expressly address what to do in circumstances when a noticed meeting fails to obtain or retain a quorum at or during the scheduled meeting time.

Therefore, it is Carson City's policy that:

1. **No Quorum Possible.** If the chair or liaison department staff is aware that a quorum will not be able to attend at any time during the scheduled public meeting, then the meeting shall be cancelled, and when possible it shall be cancelled by providing email notice to any applicable notification list and posting the cancellation notice at the door of the noticed meeting location.
2. **Late Quorum.** If it is reasonably believed that one or more members will arrive late to complete the quorum, the meeting may begin at its

scheduled time, but the chair may call for only non-action informational agenda items and public comment to be heard by the public body until a quorum is present. At any time after call to order and roll call, the chair may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely appear.

3. **Lost Quorum.** If for any reason during a public meeting that has been convened the public body loses its quorum, the chair may call for only non-action informational agenda items and public comment to be heard until a quorum is present. At any time after losing a quorum, the chair may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely reappear.

### **Officers and Minutes**

Unless otherwise provided by law, ordinance or resolution, at the first meeting of each calendar year, the board, committee, or commission shall upon a noticed agenda elect a chair who shall preside at meetings. The board, committee, or commission shall choose a vice-chair. The vice-chair shall preside in the absence of the chair. All meetings must be recorded on an electronic media that can be copied and written minutes of all meetings shall be forwarded to the assigned City department, City Manager and Board of Supervisors consistent with the Open Meeting Law.

### **Terms for Chair**

Unless otherwise provided by law, ordinance or resolution, a member may only serve as chair for one consecutive year. A member who served as chair will qualify to be nominated for chair provided that two or more years have passed since the member last served as chair.

### ***Legal Counsel***

The District Attorney's Office serves as legal counsel to the boards, committees, and commissions created by the Board of Supervisors and for those where state statute identifies the District Attorney as legal counsel. The District Attorney advises and represents the City departments and employees as they fulfill their official duties, expresses legal opinions, and defends city officials and employees for actions performed in their official capacities and in good faith.

The District Attorney can provide valuable information and advice regarding statutes, ordinances and legal issues. A board, committee, or commission that follows the advice of the District Attorney increases its defenses from liability and is most likely to avoid legal problems. Members may request the following kinds of information from the District Attorney:

- Assurance that the board, committee, or commission’s decisions and actions fall within statutory authority.
- Input about conflicts of interest.
- Input about compliance with the Nevada Open Meeting Law requirements.

Requests for formal legal opinions must be directed through the appropriate department director for review and to the City Manager or appropriate elected official for approval prior to sending the request to the District Attorney’s Office.

***Staff Liaisons***

As liaisons to boards, committees, and commissions, City staff members provide a variety of professional assistance and administrative functions; these include preparing and distributing meeting notices, record keeping, providing professional guidance and analysis, and serving as the communication link between boards, committees, and commissions or counsel.

The liaisons are staff professionals with significant responsibilities in addition to their liaison activities. The liaison role is one of communication, and City staff are not “committee staff” and do not work “for” or “at the direction” of a board, committee, or commission. They are professionals who work to develop information and recommendations for consideration by the Board of Supervisors.

***Staff Reports to Board of Supervisors***

There will be occasions when the City staff will be required to prepare an agenda report on a board, committee, or commission action or appeal for the Board of Supervisors’ review. In preparation of such a report, the staff member should present both the staff position and the board, committee, or commission’s position. The position of members not voting in the majority on an item should also be presented in the staff report if so requested by the member.

**PROCEDURE FOR ESTABLISHING A NEW BOARD, COMMITTEE OR COMMISSION**

New boards, committees, and commissions may be established in two ways:

***By Proposal of Citizens or City Departments***

With the consent of the City Manager, citizen or City department, proposals for establishing new boards, committees, and commissions will be submitted to the Board of Supervisors for consideration. If approved, the originating department will prepare a resolution establishing the new board, committee, or commission, including the purpose and duration of the board, commission or committee and submit it to the Board of Supervisors for approval. Upon approval, the originating department will work with the City Manager’s office to prepare application forms and advertise for applicants for the new board, committee, or commission.

***By Board of Supervisors' Action***

The Board of Supervisors may propose the formation of a new board, committee, or commission and assign it to a department. The assigned department will assist in the preparation of applications and advertising as described above.

## Appendix A - Types of Committees

### Advisory

Advisory Board to Manage Wildlife	Standing	City
Carson City Audit Committee	Standing	City
Carson City Building Permit Enterprise Fund Advisory Committee	Interim	City
Carson City Charter Review Committee	Standing	City
Carson City Cultural Commission	Standing	City
Carson City Debt Management Commission	Standing	City
Carson City Open Space Advisory Committee	Standing	City
Carson City Parks and Recreation Commission	Standing	City
Carson City Redevelopment Authority Citizens Committee	Standing	RDA
Carson City Shade Tree Council	Standing	City
Carson City Television Commission	Standing	City
Carson Nugget Development Advisory Committee	Interim	City
Carson River Advisory Committee	Standing	City
Local Emergency Planning Committee	Standing	City

### Legislative\*

Carson City Airport Authority	Standing	City
Carson City Board of Supervisors	Standing	Electorate
Carson City Liquor and Entertainment Board	Standing	State
Carson City Redevelopment Authority	Standing	City
Carson City Regional Transportation Commission	Standing	City
Carson Water Sub Conservancy District	Standing	State

### Regulatory\*

9-1-1 Surcharge Advisory Committee	Standing	City
Carson City Board of Appeals (Building Code)	Standing	City
Carson Area Metropolitan Planning Organization	Standing	City/Federal
Carson City Board of Equalization	Standing	City
Carson City Board of Health	Standing	City
Carson City Convention and Visitors Bureau	Standing	City
Carson City Historic Resources Commission	Standing	City
Carson City Library Board of Trustees	Standing	City
Carson City Planning Commission	Standing	City
Carson City Stormwater Appeal Board	Standing	City

## Member\*\*

Carson City Municipal Golf Course	Standing	Other
Carson City Senior Center Advisory Committee	Standing	Other
Land Use Planning Advisory Council	Standing	Other
Nevada Association of Counties (NACO)	Standing	Other
Nevada Commission on the V&T	Standing	Other
Nevada Tahoe Conservation District	Standing	Other
Tahoe Regional Planning Agency Governing Board	Standing	Other
Tahoe Regional Planning Agency Advisory Planning Commission	Standing	Other
Tahoe Transportation Commission	Standing	Other
Tahoe Transportation District	Standing	Other
Western Nevada Development District	Standing	Other
Western Nevada Home Consortium	Standing	Other
Western Nevada Resource Conservation District	Standing	Other

\*- Some may be both Legislative and Regulatory

\*\* - Not all are Public Bodies

## Appendix B - Department Assignments

<b>Board, Committee, or Commission</b>	<b>Department</b>
9-1-1 Surcharge Advisory Committee	Fire
Advisory Board to Manage Wildlife	Clerk/Recorder
Carson Area Metropolitan Planning Organization	Public Works /Transportation
Carson City Audit Committee	Finance
Carson City Board of Appeals (Building Code)	Public Works/Building
Carson City Board of Equalization	Assessor
Carson City Board of Health	City Manager
Carson City Board of Supervisors	City Manager
Carson City Building Permit Enterprise Fund Advisory Committee	Public Works/Building
Carson City Charter Review Committee	City Manager
Carson City Cultural Commission	Parks and Recreation
Carson City Debt Management Commission	Finance
Carson City Historic Resources Commission	Public Works/Planning
Carson City Liquor and Entertainment Board	City Manager
Carson City Open Space Advisory Committee	Parks and Recreation
Carson City Parks and Recreation Commission	Parks and Recreation
Carson City Planning Commission	Public Works/Planning
Carson City Redevelopment Authority	City Manager
Carson City Redevelopment Authority Citizens Committee	Public Works/Planning
Carson City Regional Transportation Commission	Public Works/Transportation
Carson City Shade Tree Council	Parks and Recreation
Carson City Stormwater Appeal Board	Public Works/Engineering
Carson City Television Commission	City Manager
Carson Nugget Development Advisory Committee	City Manager
Carson River Advisory Committee	Parks and Recreation
Local Emergency Planning Committee	Fire

Carson City, Nevada  
Boards, Committees, and Commissions

Policies and Procedures

# Purpose and Authority

Boards, committees, and commissions exist for the primary purpose of gathering information and presenting options and recommendations for consideration to the Carson City Board of Supervisors. Boards, committees, and commissions are created under the authority of the Carson City Charter, Chapter 2.320. Individual boards, committees, and commissions retain no official independent authority or responsibility and serve only in an advisory capacity unless otherwise directed by the Nevada Revised Statutes, Carson City Charter, Carson City ordinance, resolution of the Board of Supervisors or by order of law.

# Equal Opportunity

The goal of Carson City is to encourage a diverse membership on its boards, committees, and commissions. Equal opportunity is good business and applies to areas of citizen involvement. Carson City does not discriminate in its selection decisions based on race, religion, color, national origin, gender, gender identity or expression of a person, sexual orientation, age, political affiliation, pregnancy, military status, disability genetic information, or any other basis. The selection of members of a board, committee, or commission is based solely on merit and fitness.

# Application

This policy applies to all appointed boards, committees, and commissions, Carson City offices/departments and to all elected officials, department directors and their employees except as stated below.

This policy does not apply to the Carson City Board of Supervisors, the Carson City Liquor and Entertainment Board, the Carson City Board of Health, the Carson City Redevelopment Authority, nor any non-City board, committee, or commission created by state or federal law on which a member of the Board of Supervisors sits or where the Carson City Board of Supervisors is required to appoint a portion of the membership but not a majority of the membership.

This policy does not apply to internal committees established by Directors for informal processes such as the Human Resources' Director's Insurance Committee, the City's Risk Management Committee, or the City Manager's Internal Finance Committee. These committees exist at the discretion of the Director's and do not involve non-city members.

# Types of Boards, Committees, and Commissions

Boards, committees, and commissions are created by state law, Carson City Charter, or ordinance or resolution of the Board of Supervisors.

Each committee is unique in its purpose, mission, and role. It is especially important that members be familiar with their committee's governing statutes, ordinances, or controlling resolutions and other authorizing documents so they understand the framework within which the committee must operate. The City's executive department advisory bodies may in some cases not be a public body under the Open Meeting Law.

There are four main types of committees (See [Appendix A.](#)):

# Appointment Authority

Members are appointed by resolution or minute order to the various boards, committees, and commissions by a majority vote of the Carson City Board of Supervisors or by the Mayor of Carson City as set out in the particular state law, ordinance, or resolution of the Board of Supervisors.

# Appointment Procedures

- *Vacancies to be advertised*

- ***Qualification and Residency Requirements***

Section 2.320 of the Carson City Charter requires that a person sitting on an advisory board that only serves Carson City must be a resident of Carson City and registered to vote in Carson City.

# Appointment Procedures (cont.)

- **Methods of Appointment**

*The existing policy needs to be discussed.*

- ***Filling Mid-term vacancies***

Should a mid-term vacancy occur on a board, committee, or commission, the Board of Supervisors may appoint a replacement member to complete the remainder of the term, as provided by this policy and state law. If applications for the original appointment are less than one year old, the Board may appoint a replacement from the original pool of applicants.

# Appointment Procedures (cont.)

- ***Incumbent Must Reapply***

Any member of a board, committee, or commission whose term is near expiration may apply for reappointment by sending a letter to the City's Executive Office on or before the date of the expiration of his or her term.

- ***Criteria for Appointment***

# Appointment Procedures (cont.)

- ***Background Check***

After being recommended for appointment by the Board of Supervisors, the successful applicant must successfully complete a pre-appointment background check. The scope of a background check is within the discretion of the City and may vary from person to person and among different appointive positions.

# Terms

Whenever possible, terms will be set to expire at either yearend or mid-year. The same expiration date may apply to all terms of the board, committee, or commission. Terms may be adjusted as necessary to maintain staggered expiration dates.

# Term Limits

Term Limits

# Attendance Policy

## Multiple Appointments

### **ATTENDANCE POLICY**

All board, commission and committee members shall attend at least seventy five percent (75%) of all meetings in the preceding twelve (12) month period. No differentiation is made between excused or unexcused absences of members.

### **MULTIPLE APPOINTMENTS**

No non-elected person shall be nominated or confirmed on more than one board, committee, or commission at a time. The prohibition does not apply to multiple appointments created by specifying certain representative memberships, expressly created by the Board of Supervisors.

# Conflict of Interest

All members of boards, committees, or commissions must avoid any instance of a conflict of interest. No individual may use an official position to gain personal advantage. If a member of a board, committee, or commission concludes that they have a conflict of interest or an appearance of fairness issue with respect to a matter pending before the board, committee, or commission, they shall disqualify themselves from participating in the deliberations and decision-making process for the matter. A member so disqualifying himself or herself shall have no personal presence before or direct communication with the other members regarding the matter. Failure of a member to disclose that he or she has a conflict of interest on a matter under consideration by the particular board, committee, or commission may be cause for removal from the board, committee, or commission.

A member convicted of a felony, domestic violence or gross misdemeanor shall resign from the board, committee or commission within 30 days of the conviction.

# Public Process (Open Meeting Law)

In enacting NRS 241, the Nevada Legislature found and declared that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that public body actions be taken openly and that their deliberations be conducted openly. Generally a public body means any administrative, advisory, executive or legislative body of a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof.

It is the responsibility of every member of a board, committee, or commission to understand the requirements of the Open Meeting Law and to assure that they individually and the board, committee, or commission as a whole operates within the letter and spirit of the law. The city will provide annual training on the Open Meeting Law and the Nevada Ethics requirements to assist the members of a board, commission, or committee in understanding the requirements of the law. Members are required to attend this training within twelve (12) months of appointment.

# Lobbying

## Removal of Members

### **LOBBYING**

Unless expressly authorized by the Board of Supervisors, no board, commission, or committee, or any member of a board, commission or committee shall engage in lobbying on legislative or political matters on behalf of the board, commission or committee of Carson City. Individual appointees that choose to lobby or give legislative testimony as a private citizen shall not refer to any appointment to a Carson City public body in a way that implies unauthorized authority to speak on behalf of the City or the public body to which they are appointed.

### **REMOVAL OF MEMBERS**

Except as otherwise limited by applicable law or ordinance, the Board of Supervisors may, by majority vote, remove any of its appointed members of a city board, commission, or committee with or without cause. Members removed by the Board shall be so notified. If the member was appointed by and represents another organization or government jurisdiction, the agency shall be notified of the Board's desire that the member be lawfully removed.

# Assignment of Staff Support

Carson City has a number of established boards, committees, and commissions that are assigned to departments. When boards, committees or commissions deal primarily with issues of a single department, they are typically assigned to that department for staff support. These boards, committees, and commissions are listed in [Appendix B](#). Elected executive officials and department directors are responsible to provide liaison, leadership, facilitation, and/or administrative support to those boards, committees, and commissions assigned to them.

# Operational Procedures and Committee Member Responsibilities

*Organization*

*Preparation of Agendas*

*Records*

*Communication with Board of Supervisors*

# Operational Procedures and Committee Member Responsibilities

## ***Meeting location***

The Board of Supervisors, through the City Manager will designate meeting locations for the City's boards, committees, and commissions. To the greatest extent feasible, the meetings will be held at a location that has capability for televising the meeting.

# Operational Procedures and Committee Member Responsibilities

## ***Compensation***

Members of boards, committees, and commissions serve without compensation unless authorized by statute, ordinance or resolution adopted by the Board of Supervisors. Members may be reimbursed for authorized travel expenses incidental to their service.

# Operational Procedures and Committee Member Responsibilities

- Rules of Procedure
- Meeting Guidelines
  - Quorum Required
  - Officers and Minutes
  - Terms for Chair
- Legal Counsel
- Staff Liaisons
- Staff Reports to Board of Supervisors

# Procedure for Establishing a New Board, Committee, or Commission

## ***By Proposal of Citizens or City Departments***

With the consent of the City Manager, citizen or City department, proposals for establishing new boards, committees, and commissions will be submitted to the Board of Supervisors for consideration. If approved, the originating department will prepare a resolution establishing the new board, committee, or commission, including the purpose and duration of the board, commission or committee and submit it to the Board of Supervisors for approval. Upon approval, the originating department will work with the City Manager's office to prepare application forms and advertise for applicants for the new board, committee, or commission.

## ***By Board of Supervisors' Action***

The Board of Supervisors may propose the formation of a new board, committee, or commission and assign it to a department. The assigned department will assist in the preparation of applications and advertising as described above.

Questions, comments?