



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** July 18, 2019

Staff Contact: Ken Furlong, Sheriff

Agenda Title: For Possible Action: Discussion and possible action regarding a proposed amendment to the Carson City Boards, Committees, and Commissions Policies and Procedures Manual relating to criteria for appointment to a City board, committee or commission. (Ken Furlong, kfurlong@carson.org)

Staff Summary: The Board of Supervisors previously adopted a comprehensive Policies and Procedures manual which establishes administrative and procedural guidelines concerning the City's various boards, committees and commissions. This proposed amendment to the Policies and Procedures manual revises the conflicts provision which prohibits, under certain circumstances, the appointment of a person to a City board, committee or commission.

Agenda Action: Formal Action / Motion **Time Requested:** 15 mins

Proposed Motion

I move to approve the proposed amendment.

Board's Strategic Goal

N/A

Previous Action

March 21, 2019: A proposed revision was presented to the Board of Supervisors. The Board gave instruction, via motion, to make additional amendatory changes and to bring those changes back for further discussion and possible adoption.

Background/Issues & Analysis

The Carson City Boards, Committees, and Commissions Policies and Procedures Manual establishes various administrative and procedural guidelines which relate to the City's public bodies, including their creation, criteria for member appointments, term limits, attendance policy and member responsibilities. This proposed amendment to the Policies and Procedures manual revises the conflicts provision that addresses those circumstances under which a person is not eligible to be appointed to a board, committee or commission, for the dual purpose of clarifying the existing language and also establishing additional criteria pursuant to the Board's direction at its March 21, 2019 meeting.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 244; Article 2 of the Carson City Charter

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact: N/A

Alternatives

Do not approve the proposed amendment or modify the proposed amendment for approval.

Attachments:

[BCC policy conflicts provision_Sheriff_REVISED_2.docx](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

Existing conflicts provision (Criteria for Appointment):

D. *Conflicts.* Except as specifically required or allowed by law, City employees (including elected officials), persons who have been a City employee and/or an elected official during the previous twelve months, and persons who have a contract for services and/or goods with the City are not eligible for appointment to any City board, committee or commission that has authority over the contract.

The following proposed revision was presented to the Board of Supervisors at its meeting on March 21, 2019:

D. *Conflicts.* Except as otherwise provided in this paragraph or as otherwise required or expressly authorized by law, a person is not eligible for appointment to any City board, committee or commission if he or she:

1. Is an employee of the City at the time of appointment;
2. Was a City employee within the twelve months immediately preceding the date of appointment; or
3. Is a party, beneficiary or employee of a party to a contract with the City for the provision of services or goods if the contract is subject to the supervision, control, jurisdiction or advisory power of the board, committee or commission to which the person will be appointed.

As used in this paragraph, “employee” includes any person who is employed by the City on a full-time equivalent basis or part-time basis, and any elected official.

This provision does not apply to any person appointed to a City board, committee or commission before the adoption date of this provision and may be waived in part or in whole by the Board of Supervisors if, at its sole discretion, the Board of Supervisors determines that such waiver is in the best interest of the City.

By motion made at its meeting on March 21, 2019, the Board directed that the following changes be made to the proposed revision:

1. Add language providing that a City employee may only be appointed to a board, commission or committee (BCC) that is not “in the same department” for which the employee works;
2. Add language providing that applicants not employed by the City will be given preference for appointment over applicants employed by the City;
3. Add language providing that City employees appointed to a BCC must serve in their appointed capacities in unpaid status; and
4. Eliminate subparagraphs 1 and 2 of paragraph D in the proposed revision.

New proposed revision:

D. *Conflicts.* Except as otherwise provided in this paragraph or as otherwise required or expressly authorized by law, a person is not eligible for appointment to any City board, committee or commission if he or she is a party, beneficiary or employee of a party to a contract with the City for the provision of services or goods if the contract is subject to the supervision, control, jurisdiction or advisory power of the board, committee or commission to which the person will be appointed.

An applicant for appointment who:

1. Is a City employee will not be appointed to any board, committee or commission that governs matters over which one department of the City has exclusive or primary jurisdiction with regard to related day-to-day operational authority, duties and obligations if the employee works in that department.
2. Is a City employee and is appointed will be placed in unpaid status for the duration of the employee's attendance at any meeting or use of any time spent on matters related to his or her official capacity as a member of the board, committee or commission during the employee's regularly scheduled work hours.
3. Is a City employee and is appointed will not be compensated for the duration of the employee's attendance at any meeting or use of any time spent on matters related to his or her official capacity as a member of the board, committee or commission outside the employee's regularly scheduled work hours.
4. Is not a City employee will be given preference over an applicant who is a City employee.

As used in this paragraph, "employee" includes any person who is employed by the City on a full-time equivalent basis or part-time basis, and any elected City official.