



LYON COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

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| POLICY CUSTODIAN: COUNTY MANAGER | | |

A. Overview

County Commission policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Commission and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

The County Commission also supports and acknowledges that Commission and the County Manager are most effective when working as a team and as such the Commission endeavors to support mutual respect between the County Commission and County staff by creating the organizational teamwork necessary for successful implementation of the Commission's policies and programs.

B. Commission-Manager Plan of Government

Lyon County has a Commission-Manager plan of government. Basically, with this structure, the County Commission's role is to establish County policies and priorities. The Commission appoints a County Manager to implement those policies and undertake the administration of the organization.

The County Manager is appointed by the County Commission to enforce its laws, to direct the daily operations of County government, to prepare and monitor the principal budget, and to implement the policies and programs initiated by the County Commission. The County Manager is responsible to the County Commission, rather than to individual Commission Members, and directs and coordinates the various departments. The County Manager is responsible for appointing all department directors and authorizing all other personnel positions. The County Commission authorizes positions through the budget process; based upon that authorization, the County Manager makes the appointments. The County Manager appoints members to the Civil Service Commission.

The Commission-Manager plan of government is outlined in LCC1.07. The powers and duties of the County Manager include:

- General supervision over the administrative affairs of the County
- Appoint and remove at any time all department directors and employees
- Attend all meetings of the Commission at which the manager's attendance may be required by that body
- See that all laws and ordinances are faithfully executed.
- Recommend for adoption by the Commission such measures as the manager may deem necessary or expedient
- Prepare and submit to the Commission such reports as may be required by that body, or as deemed advisable to submit.
- Keep the Commission fully advised of the financial condition of the County and its future needs
- Prepare and submit to the Commission a proposed budget for the fiscal year, and to be responsible for its administration upon adoption
- Perform such other duties as the Commission may determine by ordinance or resolution
- Implements and administers County Commission policy

C. County Commission Non-interference

The County Commission is to work through the County Manager when dealing with administrative services of the County.

In no manner, either directly or indirectly, shall a Commission Member become involved in, or attempt to influence, personnel matters that are under the direction of the County Manager. Nor shall the County Commission be involved in, or influence, the purchase of any supplies beyond the requirements of the County procurement procedures.

Except for the purpose of inquiry, the Commission and its members will deal with the administrative service solely through the County Manager or designee, and neither the Commission nor any committee or member of a committee shall give orders to any subordinate of the County Manager.

Subject to the Open Meeting Law and the holding of executive sessions to discuss and review personnel matters, the Commission is not prohibited, while in open session, from fully and freely discussing with the County Manager anything pertaining to appointments and removals of County officers and employees and County affairs.

D. County Commission/County Manager Relationship

The employment relationship between the County Commission and County Manager honors the fact that the County Manager is the chief executive of the County. All dealings with the County Manager, whether in public or private, should respect the authority of the County Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the County Manager.

The County Manager respects and is sensitive to the policy responsibilities of the County Commission and acknowledges that the final responsibility for establishing the policy direction of the County is held by the County Commission.

1. Performance Evaluation

The County Commission is to evaluate the County Manager on an annual basis to ensure that both the County Commission and County Manager are in agreement about performance and goals based upon mutual trust and common objectives. The County Manager's performance is evaluated based upon the County Manager's Performance Planning and Appraisal Program.

E. County Commission/County Staff Relationship

County Commission Member contact with County staff members, inclusive of the County Manager, will be during regular business hours, except in the case of an emergency.

F. Code of Ethics

The County Manager is subject to a professional code of ethics as a member of the International County/County Management Association (ICMA). These principles appear in the Appendix of this policy. It should be noted that this code binds the County Manager to certain practices that are designed to ensure actions are in support of the County's best interests. Violations of such principles can result in censure by ICMA. This code is posted in the County Manager's office area.

G. Roles and Information Flow

1. Commission Roles

The full County Commission retains the authority to accept, reject, or amend the staff recommendation on policy matters. Members of the County Commission must avoid intrusion into those areas that are the responsibility of staff.

Individual Commission Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the County Commission as a whole. This is necessary to protect staff from undue influence and pressure from individual Commission Members, and to allow staff to execute priorities given by management and the Commission as a whole without fear of reprisal.

If a Commission Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Commission to do so as a matter of Commission policy. All Commission Members with concerns affecting the community of Lyon County

should bring those concerns to the full Commission before contacting an outside agency.

2. Access to Information

The County Manager is the information liaison between Commission and County staff. Requests for information from Commission Members are to be directed to the County Manager and will be responded to promptly. The information requested will be copied to all members of Commission so that each member may be equally informed. The sharing of information with County Commission is one of the County Manager's highest priorities.

There are limited restrictions when information cannot be provided. The County is legally bound not to release certain confidential personnel information. Likewise, certain aspects of law enforcement affairs (i.e., access to restricted or confidential information related to crimes) may not be available to members of the County Commission.

3. Staff Roles

The Commission recognizes the primary functions of staff as executing Commission policy and actions taken by the Commission and in keeping the Commission informed. Staff is obligated to take guidance and direction only from the County Manager or Department Director. This direction follows the policy guidance of the County Commission as a whole. Staff is directed to reject any attempts of individual Commission Members to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

County staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Commission Members; provided that, in the judgment of the County Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full County Commission.

4. Significant Requests

No Commission Member shall request or direct the County Manager or Department Directors to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Commission. The County Manager shall determine whether or not a matter is significant.

H. Dissemination of Information

In addition to regular, comprehensive memoranda written by the County Manager directly to County Commission concerning all aspects of County operations (exclusive of

confidential personnel issues), all Commission Members receive copies of all correspondence received by the County Manager that will assist in them in their policy-making role. The County Manager also provides other documents to Commission on a regular basis, such as status reports, executive summaries, and minutes of senior staff meetings.

A variety of methods are used to share information with Commission. Workshops and study sessions are held to provide detailed presentations of matters. Commission/staff retreats serve to focus on topics and enhance information exchange. The County Manager's open-door policy allows individual Commission Members to meet with the Manager on an impromptu or one-on-one basis.

I. Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Commission Members that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a County Commission meeting. If so directed by action of the Commission, staff will proceed to complete the work within a Commission-established timeline.

J. Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over County employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the County Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes:

- 1) Preparation of a summary agenda after approval by the chairperson;
- 2) Preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and
- 3) Preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the County Commission shall do so through adopted Commission agenda procedures as outlined in Administrative Policy and Procedure 1-5. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the County Commission.



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in September 2013.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

GUIDELINES

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.