

	LYON COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES	
	TOPIC: County Commission: General Powers & Responsibilities	NUMBER: 1 – 3
EFFECTIVE: 7/19/2012	REVISED: 07/05/2013	REVIEWED: 01/15/2015
REFERENCE: LCC 1.07, NRS 241, NRS 244		
POLICY CUSTODIAN: County Manager		

A. County Commission Generally

Fundamentally, the powers of the County Commission are to be utilized for the good of the community and its residents; to provide for the health, safety and general welfare of the citizenry. The County Commission is the policy making and law making body of the County. State law and local ordinances grant the powers and responsibilities of the Commission.

It is important to note that the Commission acts as a body and speaks with one “corporate voice”. No member has any extraordinary powers beyond those of other members. While the Chairman has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Commission. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Commission to a course of action. Commission Members should respect adopted Commission policy. In turn, it is staff’s responsibility to ensure the policy of the Commission is upheld.

Actions of staff to pursue the policy direction established by a majority of Commission do not reflect any bias against Commission Members who held a minority opinion on an issue.

1. Commission Non-Participation in Administration

In order to uphold the integrity of the Commission-Manager form of government, and to provide proper checks and balances, members of the County Commission shall refrain from becoming directly involved in the administrative affairs of the County. As the Commission is the policy making body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system.

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 advisory board or member of an advisory board shall give orders to any subordinate of the County Manager.

B. ROLE OF COMMISSION MEMBERS

Members of the Lyon County Commission are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the County Manager and staff. The following outline is a brief description of the various duties of Commission Members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Commission.

1. Summary of Commission Duties and Responsibilities as Provided in, but not Limited to, the Nevada Revised Statutes, Nevada Administrative Code and Lyon County Code.
 - a. Establish Policy
 - 1) Adopt goals and objectives
 - 2) Establish priorities for public services
 - 3) Approve/amend the operating and capital budgets
 - 4) Approve contracts
 - 5) Adopt resolutions
 - b. Enact Local Laws
 - 1) Adopt ordinances
 - c. Supervise Appointed Officials
 - 1) Appoint County Manager
 - 2) Evaluate performance of County Manager
 - 3) Establish advisory boards and commissions
 - 4) Make appointments to advisory bodies
 - 5) Provide direction to advisory bodies
 - d. Provide Public Leadership
 - 1) Relate wishes of constituents to promote representative governance
 - 2) Mediate conflicting interests while building a consensus
 - 3) Communicate the County's vision and goals to constituents
 - 4) Represent the County's interest at regional, county, state, and federal levels
 - e. Decision-Making
 - 1) Study problems
 - 2) Review alternatives
 - 3) Determine best course of public policy

C. ROLE OF CHAIRMAN

1. Presiding Officer

The Chairman serves as the presiding officer and acts as chair at all meetings of the County Commission. The Chairman may participate in all deliberations of the Commission in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists. The Chairman does not possess any power of veto. The Chairman may move an action and may second a motion.

D. ABSENCE OF CHAIRMAN AND COMMISSION MEMBERS

In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. When both the Chairman and Vice Chairman are absent, the Commission may choose from among its members a person to serve as acting Chairman, who shall, for the term of such absence, have the powers of the Chairman.

E. ELECTION OF OFFICERS

Procedures for electing officers are as follows:

1. Annual Election of Chairman and Vice Chairman

Annually, at the first meeting of the calendar year, the members thereof will choose a presiding officer from their number who will have the title of Chairman. In addition to the powers conferred upon him/her as Chairman, he/she will continue to have all the rights, privileges and immunities of a member of the Commission. If a permanent vacancy occurs in the Office of Chairman, the members of the Commission at their next regular meeting will select a Chairman from their number for the unexpired term. Following the election of the Chairman, there will be an election for Vice Chairman. The term of the Vice Chairman will run concurrently with that of the Chairman.

2. Nominations

Nominations will be taken from members of the Board in the form of a motion and must be seconded a by a commissioner other than the commissioner making the motion. If the motion is not seconded this process will be followed until a motion has been seconded and a simple majority of the Board members present has voted in favor of the motion. If the vote taken is not in favor of the motion and seconded; the process will start all over until a Chairman is selected. The new Chairman will then take control of the meeting and begin the process for the Vice Chairman.

The process to elect a Vice Chairman will follow the same process to elect the Chairman. Any member nominated for Chair or Vice Chair can decline the nomination.

3. Resignation of Chairman or Vice Chairman

If the Chairman or Vice Chairman resigns, the County Commission will appoint a new Chairman or Vice Chairman, using the procedure outlined above.

F. DECLARATION OF DISASTER OR EMERGENCY

Pursuant to NRS 414 and Lyon County Code 3.03.03 the Board of Commissioners have the authority to declare an emergency or disaster. This will be accomplished as follows:

1. The County Manager or designee shall notify the Board of Commissioners, County Clerk and District Attorney of the need for such declaration and request an emergency meeting of the Board as authorized by the open meeting law.
2. The Board will meet, outlying Commissioners may call in, at the date and time specified in the agenda.
3. The Board will hear testimony for the need of such declaration and make a decision.
4. The meeting of the Board will be recorded and minutes kept in accordance with the open meeting law.
5. The County Manager is authorized to make a declaration of emergency or disaster if a quorum of the Board is not present in the County or available by telephone.
6. The County Manager's designee, as addressed in the County Emergency Operations Plan, is authorized to make a declaration of emergency or disaster if a quorum of the Board and the County Manager is not present in the County or available by telephone.
7. The Declaration shall be signed by the members present, County Manager and attested to by the County Clerk and then sent to the Nevada Division of Emergency Management and Homeland Security.

G. APPOINTMENT/REMOVAL OF COUNTY MANAGER & APPOINTED DEPARTMENT HEADS

The Board of County Commissioners is responsible for the appointment, supervision and appointment of the County Manager as authorized by Nevada Revised Statutes Chapter 244 and Lyon County Code 1.07.

The County Manager is authorized by Lyon County Code 1.07.07 to appoint, discipline or terminate appointed department heads with approval from the Board of Commissioners.

1. Appointment to fill a vacancy – The County Manager will appoint a person to a vacated department head position by following the advertising and selection

processes outlined in the Lyon County Personnel Policy. The County Manager will then, in a public Board meeting, present the Board with a list of qualified candidates and his/her recommendation for selection. The Board will vote to approve the County Managers recommendation or select another person from the list.

2. Serious discipline up to and including termination – The County Manager will follow the requirements of the Lyon County Personnel Policy in regards to discipline. If discipline is to be suspension without pay, demotion or termination the County Manager will:
 - a. Place an item on the next Commission agenda for a closed session to discuss the issue and proposed discipline. No action will be taken during the closed session.
 - b. Place an item on the next Commission agenda for an open meeting to authorize the County Manager to issue the proposed discipline.
 - c. Ensure that the affected department head is notified and notice him/her that the Board will be considering the character, alleged misconduct, professional competence, or physical or mental health of the person in both the closed and open session.
 - d. The Board will take action to affirm or deny the County Manager’s recommendation. A simple majority vote is required to approve or deny the recommendation.

H. APPOINTMENT TO COMMITTEES, BOARDS AND COMMISSIONS

1. The members of the Board and staff serve on a variety of committees, boards and commissions. The Board will, annually, at the first meeting in January make appointments to the various committees, boards and commissions by:
 - a. The Chairman will begin the process by asking the Board members if there are members interested in participating. In the event only one Commissioner is interested in serving on a committee, board or commission then the Chair will make the appointment. In the event that two or more members of the Commission want to serve then the Chair will entertain a motion and second to make the appointment. A simple majority vote is required to approve the appointment. Upon completion of the appointment process the Chair will entertain a motion and second to approve the appointments.
 - b. The following are standing committees, boards, and commissions:
 - Comstock Historic District
 - Debt Management Commission
 - Mason Valley Conservation District
 - Smith Valley Conservation District
 - Dayton Valley Conservation District
 - Nevada Public Agency Insurance Pool

- Nevada Association of Counties (NACO)
- NACO Board of Directors
- NACO Legislative Committee
- NACO Public Lands and Natural Resources Committee
- Local Emergency Planning Committee
- Northern Nevada Development Authority
- Western Nevada Development District
- Nevada Works
- State Land Use Planning Advisory Committee
- Walker River Irrigation District
- Carson Water Subconservancy District
- Room Tax Board
- Nevada Commission for the Reconstruction of the V & T Railway
- Western Nevada Home Consortium
- Quarterly Jail Inspection
- Truckee Canal Safety Commission
- Regional Transportation Commission
- Carson Area Metropolitan Planning Organization

c. New committees, boards, commissions

In the event that a new committee, board or commission is created and/or requires appointment the Board will make such appointment at the next Board meeting by following the procedures outlined above.

2. Appointment of Citizens to Boards, Commissions and Committees

a. Advisory Boards

Appointments to and Removal from the various Advisory Boards will be made by the Board of County Commissioners as outlined in County Code, Resolution and Bylaws creating the Advisory Board.

Memberships on Advisory Boards are selected with the intent to provide representation from a broad cross-section of the represented community. The idea is to ensure that all major viewpoints are examined, and that any faction or special interest group does not dominate the Advisory Board.

The Board of County Commissioners appoints members for staggered two-year terms beginning January 1 of each year. Each advisory board will make a recommendation to the Board of County Commissioners during their November meeting. All persons interested in serving on an advisory board must submit an application to the County Managers Office, a copy of the application(s) will be forwarded to the appropriate CAB Chairperson. Once recommendation has been made by the CAB, the application(s) and recommendations will be forwarded to the BOC for appointment.

VACANCIES. A vacancy occurring on a citizen advisory board shall be filled by the board of county commissioners, upon recommendation of the affected advisory board, for the remainder of the unexpired term. The County Managers Office will publish, in a newspaper of general circulation, the county web site and county social media outlets, for a period of two weeks the vacancy and the process to apply. All persons interested in serving on an advisory board must submit an application to the County Managers Office, a copy of the application(s) will be forwarded to the appropriate CAB Chairperson. Once recommendation has been made by the CAB, the application(s) and recommendations will be forwarded to the BOC for appointment.

b. Planning Commission

Appointments to and removal from the Planning Commission will be made by the Board of County Commissioners as outlined in Lyon County Code 3.02. The Planning Department will advertise any vacancy on the Planning Commission. All persons interested in serving on the Planning Commission must submit an application to the Planning Department. The Planning Department will provide the applications of the candidates to the Board of Commissioners. The Chair will make the appointment with the approval of the Board.

All persons interested in serving on the Planning Commission must submit an application to the Planning Department.

A motion to approve will be made by a member of the Board and must be seconded a by a commissioner other than the commissioner making the motion. If the motion is not seconded this process will be followed until a motion has been seconded and a simple majority of the Board members present has voted in favor of the motion. If the vote taken is not in favor of the motion and seconded; the process will start all over until an appointment is approved.

VACANCIES. A vacancy occurring on the Planning Commission shall be filled by the board of county commissioners. The Planning Department will publish, in a newspaper of general circulation, the county web site and county social media outlets, for a period of two weeks the vacancy and the process to apply. All persons interested in serving on the Planning Commission must submit an application to the Planning Department. The Planning Department will provide the applications of the candidates to the Board of Commissioners and the appointment process will be followed as stated above.

c. Library Board of Trustees

Appointments to and removal from the Library Board of Trustees will be made by the Board of County Commissioners as required by NRS 379. A Trustee shall be appointed to serve a term of 4 years and may not serve more than two terms.

All persons interested in serving on the Library Board of Trustees must submit an application to the County Managers Office, a copy of the application(s) will be forwarded to the Library Director. Once recommendation has been made by the Library Board of Trustees, the application(s) and recommendations will be forwarded to the BOC for appointment.

VACANCIES. A vacancy occurring on the Library Board of Trustees shall be filled by the board of county commissioners, upon recommendation of the Library Board of Trustees, for the remainder of the unexpired term. The Library Director will publish, in a newspaper of general circulation, the county web site and county social media outlets, for a period of two weeks the vacancy and the process to apply. All persons interested in serving on an advisory board must submit an application to the County Managers Office, a copy of the application(s) will be forwarded to the Library Director. Once recommendation has been made by the Library Board of Trustees, the application(s) and recommendations will be forwarded to the BOC for appointment.

d. Fair Board & Event Center Board

Appointments to and Removal from these Boards will be made by the Board of County Commissioners as outlined in County Code, Resolution and Bylaws creating these Boards.

Memberships on these boards are selected with the intent to provide representation from a broad cross-section of the represented community. The idea is to ensure that all major viewpoints are examined, and that any faction or special interest group does not dominate either of these boards.

The Board of County Commissioners appoints members for staggered terms beginning January 1 of each year. Each of these boards will make a recommendation to the Board of County Commissioners during their November meeting. All persons interested in serving on either of these boards must submit an application to the County Managers Office, a copy of the application(s) will be forwarded to the appropriate board Chairperson. Once recommendation has been made by these boards, the application(s) and recommendations will be forwarded to the BOC for appointment.

VACANCIES. A vacancy occurring on these boards shall be filled by the board of county commissioners, upon recommendation of the affected advisory board, for the remainder of the unexpired term. The County Managers Office will publish, in a newspaper of general circulation, the county web site and county social media outlets, for a period of two weeks the vacancy and the process to apply. All persons interested in serving on an advisory board must submit an application to the County Managers Office, a copy of the application(s) will be forwarded to the appropriate Chairperson. Once recommendation has been made by the appropriate board, the application(s) and recommendations will be forwarded to the BOC for appointment.