



LYON COUNTY
ADMINISTRATIVE POLICIES AND PROCEDURES

TOPIC: County Commission Meetings NUMBER: 1-5

EFFECTIVE: 7/19/2012 REVISED: 08/03/2023 REVIEWED: 08/03/2023

REFERENCE: LCC 1.05, NRS 244, NRS 281

POLICY CUSTODIAN: County Manager

A. INTRODUCTION

The County Commission's collective policy and law-making powers are put into action at the commission meetings. It is here that the Commission conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of commission meetings all lend themselves to the essential democratic nature of local government.

B. MEETING SCHEDULE

Regular meetings are held the first and third Thursday of each month at the Lyon County Administrative Complex, 27 South Main Street, Yerington, NV, unless otherwise noticed at an alternate location within Lyon County. Should these days happen to be designated as a legal holiday, the Commission meeting will be held the next succeeding day that is not a legal holiday.

C. PUBLIC NOTICE OF MEETINGS AND HEARINGS

Pursuant to NRS 241, Counties are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming commission meeting.

The procedure followed by Lyon County is as follows:

1. *Content of Notices*

Notice of a County Commission meeting will be completed in accordance with NRS 241.020 and must include:

- The time, place and location of the meeting
- Where the agenda has been posted
- A name and contact information listed
- A clear and complete statement of the topics scheduled to be considered during the meeting
- A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.
- Two periods devoted to comments by the general public, if any, and discussion

of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda item upon which action will be taken.

- If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.
- If, during any portion of the meeting, the public body will consider whether to take administrative action against the person, the name of the person against whom administrative action may be taken.
- Members of the public body and employees will make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend a meeting. The notice will include the name and telephone number of a person who may be contacted so arrangements can be made in advance.
- If agenda items may be taken out of order, it will so state in the agenda.
- If reasonable time limits or other rules apply to any period devoted to public comment, such rules will be clearly stated on the agenda.

2. *Posting of the Notice*

- The notice of meeting must be posted at the principal office of the public body, and on the Lyon County and official website of the State pursuant to NRS 232.2175 no later than 9 a.m. of the third working day before the meeting is to be held. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the County and State website.

The notices are posted at:

- Lyon County Administrative Complex, Yerington, NV
- [Lyon County Website: https://www.lyon-county.org/Agendacenter](https://www.lyon-county.org/Agendacenter)
- Nevada Public Notice: <https://notice.nv.gov/Notice>

3. *Providing copies of the agenda and supporting material upon request.*

Lyon County will provide, at no charge, at least one copy of:

- The agenda for a County Commission meeting
- A proposed ordinance or regulation which will be discussed at the County Commission meeting.
- Any other supporting material provided to the members of the Commission except materials;
 - ✓ Submitted to the Board of Commissioners pursuant to nondisclosure or confidentiality agreement which relates to proprietary information.
 - ✓ Pertaining to a closed session
 - ✓ Declared confidential by law
- A copy of the materials required to be provided upon request must be

- ✓ If the supporting material is provided to the members of the County Commission before the meeting, made available to the requester at the time the material is provided to the County Commission.
- ✓ If the supporting material is provided to the members of the public body at the meeting, made available to the requester.

- Duties of the County Manager's Office

The County Manager's office is directed to publish notices and post agendas as required.

4. Meetings Outside of the County Seat

In the event that the Board wants to conduct a meeting more than 10 miles away from the County seat the provisions of NRS 244.085 will be adhered to.

D. SPECIAL MEETINGS

Special meetings may be called by the Chair or Vice Chair. Notice of a special meeting will be made by the County Manager's Office as specified in 1.5 C.

E. EMERGENCY MEETINGS

1. Emergency meetings may be called when an unforeseen circumstance requires immediate action and includes but is not limited to disasters or any impairment of the health and safety of the public.
2. In an emergency
 - a. A meeting may be scheduled with less than a 3 working day notice if the meeting is limited only to the matter which qualifies as an emergency.
 - b. The County Managers Office will post an agenda for the emergency as soon as effectively possible
 - c. The minutes of the emergency meeting will reflect the reason for the meeting and why it qualifies as an emergency.

F. WORKSHOPS

The County Commission may meet informally in a Workshop. The Workshop is the forum used by Commission to review forthcoming programs of the County, to receive progress reports on current issues, or to receive similar information from the County Manager and others.

Further, the purpose of Workshops is to allow Commission members to do concentrated preliminary work with administration on single subjects of time consuming, complex matters (i.e., budget, complex legislation or reports, etc.). One of the goals of Workshops is to allow a less formal atmosphere within which Commission members may ask questions of staff and each other, as opposed to taking time at Regular meetings, thus shortening the time spent at Regular meetings. Workshops shall be in a

less formal setting, but shall not discourage public participation.

All discussions and conclusions held during a Workshop are of an informal nature. No final action is taken while in a Workshop. Notice of Workshops will be handled in the same manner as outlined in 1-5 C

G. VIRTUAL MEETINGS

Pursuant to NRS 241, requirements for holding meeting by teleconference or videoconference.

The procedure followed by Lyon County is as follows:

1. A public body may conduct a meeting by means of teleconference or videoconference if:
 - A quorum is actually or collectively present, whether in person or by means of electronic communication; and
 - There is a physical location designated for the meeting where members of the public are permitted to attend and participate.
2. If any member of a public body attends a meeting by means of teleconference or videoconference, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:
 - Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by teleconference or videoconference; and
 - Each member of the public body in attendance can participate in the meeting. (Added to NRS by 2019, 3618)
3. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:
 - Have an Internet website; and
 - Post to its Internet website:
 - The public notice required by this section; and
 - Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting

H. PLACING ITEMS ON THE AGENDA

1. *Agenda Planning Committee*

All matters to be presented to the County Commission at its regular meetings are reviewed by the Agenda Planning Committee. The Executive Leadership Team and Board Chairman comprise the Agenda Planning Committee. The County Manager and Board Chairman will review the agenda prior to the regular meeting. The Board Chair or County Manager will determine if an agenda item should be placed on the agenda after the date for agenda report submittal has expired.

All agenda report submittals are due in entirety 10 days in advance of the date of the meeting requested. The agenda language along with the report are required for staff for internal review and to meet the posting requirements.

Agenda submittal and the District Attorney's approval of documents are not the same. If the District Attorney approval is needed, then the document needs to be submitted to their office separately, and in advance of the agenda deadlines, as more time for the legal review and comments is required. The District Attorney does a cursory review as part of the agenda process, but it's not a legal review.

This is also a condition for other staff within Lyon County to be given 30 days to review and formulate a report for public review and inspection by the Board of County Commissioners.

2. *County Commission and Elected/Appointed Department Heads*

A Commission Member or elected/appointed department head may request an item be considered on a future agenda either by making an oral request at a County Commission meeting or submitting the request in writing to the County Manager at least 30 days prior to the meeting for which the item is requested to be placed on the agenda. If the item does not require significant review or report, the County Manager may move up the agenda placement date. The item shall be presented to the Agenda Planning Committee review of the item.

3. *Advisory Bodies and Civic Organizations*

Advisory bodies of the County Commission and other civic agencies may submit items for Commission by submitting a request in writing to the County Manager at least 30 days prior to the meeting for which the item is requested to be placed on the agenda.

4. *Members of the Public*

A member of the public may request an item be placed on a future agenda while addressing the County Commission during a regular meeting and/or by submitting the request in writing to the County Commission, through the County Manager's office. In order to allow sufficient time for Commission to review, and staff to

research the matter, the request should be submitted at least 30 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been placed on the agenda, the County Manager's Office will notify the requester so that he or she may plan to attend the meeting.

I. DEVELOPMENT OF THE AGENDA

Staff is required to submit an agenda summary and backup for each topic of discussion on the County Commission agenda. The deadline for submitting these forms to the County Manager's Office is 4:00 PM., 10 days prior to the date of the meeting for which the item is scheduled. The report must include supporting documentation, including any information requested by Commission at the previous Commission meeting. The District Attorney's Office, County Manager and the Comptroller will review and ensure that the item meets all legal (D.A.), financial (Comptroller), and all other requirements (County Manager).

The draft agenda will be distributed, electronically, to the Chairman of the Board and leadership team 1 day before the agenda review meeting. The Board Chair, County Manager and Leadership Team will comprise the Agenda Review Team and will meet 8 days before the Board Meeting to discuss and ensure that all items are ready for Board action. The County Manager's Office will post the final agenda and backup material, and send a hard copy at the Commissioner's request to the Board.

The County Manager's Office will ensure that the Agenda is posted as required by NRS within 3 working days before the date of the Board meeting.

J. AUDIO RECORDING OF MEETINGS

The County Clerk, or designee, shall make and keep audio recordings of all meetings of the Lyon County Commission Recordings and related records of all County Commission meetings, except as referenced above, shall be retained by the County Clerk.

K. ORDER OF BUSINESS

The County Commission, by adoption of this manual, establishes the general order of meetings. This section summarizes each meeting component. The Commission may, at any time by simple majority of those present, vote to consider items in a different order.

1. Call to Order

The Chair, or in the Chair's absence the Vice-Chair, presides over all meetings of the County commission, and after determining that a quorum is present, calls the meeting to order. In the absence of the Chair and Vice-Chair, the Senior Commissioner shall call the Commission to order.

The Chair will then announce:

"This is a tentative schedule for the meeting. The Board of Commissioners reserves the right to take items in a different order to accomplish business in the most efficient manner. Items may be combined for consideration by the Board of Commissioners and

*items may be pulled or removed from the agenda at anytime.
Any restrictions on comments by the general public: Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.”*

2. Roll Call

The County Clerk takes roll and announces the presence or absence of individual Commission Members. Following the roll call, those in attendance are asked to join the Commission in reciting the Pledge of Allegiance.

3. Public Participation

The Chair will request public participation by reading the following statement:

“It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board of Commissioners will conduct public comment after discussion of each agenda action item, but before the Board of Commissioners takes any action.”

Public Participation will be conducted at the beginning and end of the meeting and the Board will take public participation on each action item.

4. Review and Adoption of the Agenda

This is the time when Commission Members or the County Manager may withdraw or move items on the agenda. A simple majority of those present may vote to approve the agenda.

5. Presentation of Awards and/or Recognition of Accomplishments

This is the time when the County Manager, Commission Members or members of the Leadership Team may present awards or recognize staff, community organizations, etc.

6. Commissioner and County Manager Comments

During this portion of the agenda, Commission Members will share current activities on regional, state, and federal committees, boards, or commissions on which they serve. The County Manager will update the Board on projects and current events.

7. Elected Officials Report

During this portion of the agenda the elected officials (Assessor, Clerk-Treasurer, District Attorney, District Court, Justices of the Peace, Public Administrator, Recorder and Sheriff) will share current activities, provide briefings on important

issues, report progress of projects, etc.

8. Appointed Officials Report

During this portion of the agenda the appointed officials (Departments of Community Development, Administration, Human Services, Public Works, and Public Guardian) will share current activities, provide briefings on important issues, report progress of projects, etc.

9. Advisory Board Reports

During this portion of the agenda the Citizen Advisory Boards will provide the Board with recommendations on issues affecting their community and alert the Board to any issues or concerns affecting their community. A report may also be provided in the agenda packet.

10. Consent Agenda

Those matters of business that require action by the Commission which are considered to be of a routine and non-controversial nature are placed on the consent agenda. The individual items on the consent agenda shall be approved, adopted, or enacted by one motion of the Commission. Examples of such items include:

- Treasurer's Report;
- Minutes;
- Approval of vouchers;
- Final approval of leases and agreements;
- Final acceptance of grants, deeds, or easements;
- Acknowledging receipt of claims for damages against the County;
- Review and approval of business licenses
- Changes to the Assessor's tax role

No discussion shall take place regarding any item on the consent agenda beyond asking questions for simple clarification. Prior to approving the items on the consent agenda, Commission Members may request to withdraw (or pull) any item and take action separately on that item. Commission will consider each withdrawn item during the course of the meeting after the amended consent agenda has been approved.

11. Public Hearing on Planning Items

The Board will conduct public hearings on all planning items presented by Planning Department staff. The Board must make their decision based upon fact and state as such as part of the motion to approve or not approve. Pursuant to NRS 244.085, final action on any matter except zoning or planning matters which relate to a different geographical area than the geographical area in which the meeting is

held must be taken at the county seat.

12. Regular Agenda

This is the portion of the agenda where ordinances are proposed, resolutions are decided upon, contracts are approved/denied, policies are approved/denied and other business is brought to the Board for action.

- a. *Award of Contract*: All contract documents shall, before presentation to the Commission, have been approved as to form and legality by the District Attorney's Office and have been approved by the Comptroller's Office as to fiscal requirements, and shall have been first referred for review to the head of the department under whose jurisdiction the administration of the subject matter of the contract document would devolve, and shall further have been presented to the County Manager or authorized representative for review.
- b. *Ordinances & Resolutions*: Ordinances, resolutions, and other matters or subjects requiring action by the Commission must be introduced by a member of the Commission, except that the County Manager, District Attorney's Office, or department directors may present ordinances, resolutions, and other matters or subject to the Commission, and any Commission Member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be proposed; otherwise, they shall not be considered.
 - (1) *Prior Administrative Review*- All ordinances and resolutions shall, before presentation to the Commission, have been approved as to form and legality by the District Attorney's Office and shall have been first referred for review to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance or resolution would devolve, and shall further have been presented to the County Manager for review.
 - (2) *Ordinance Preparation*-The District Attorney's Office shall review all ordinances to ensure ordinance is legal and the bill meets the legal format.
 - (3) *Ordinance Process* – Upon review by the District Attorney's Office and the County Manager the draft ordinance bill will be presented to the Board of Commissioners for proposal. A single Commissioner can propose the bill. The provisions of NRS 244.095 – NRS 244.115 will be adhered to developing, proposing, and taking action on any ordinance.
 - (4) *Resolution Preparation* - Resolutions are long motions submitted in writing and are approved by the Commissioners.
 - The document will be comprised of two parts, the preamble and the resolution. The Preamble is the background or reasons for the resolution (Whereas). The Resolution is the action taken (Resolved).
 - The general format for a resolution is:
 - Whereas,... (text of the first preamble clause);
 - Whereas,... (text of the next to last preamble clause); and
 - Whereas,... (text of the last preamble clause);now, therefore, be it

Resolved, that... (stating action to be taken);
Resolved, that... (stating further action to be taken); and
Resolved, that... (stating final action to be taken).

(5) Resolution Process

- All resolutions will undergo an internal review by Lyon County Departments and a legal review by the District Attorney's office prior to the submission onto the agenda.
- For resolutions declaring a month "the month of..." It's preferred they be submitted at the first meeting of the month unless otherwise requested or applicable.

Resolutions from outside entities will be reviewed by the County Manager and/or the Agenda Review Committee. They can be submitted as written, when applicable, or as a separate resolution to adopt the request. The County Manager or Agenda Review Committee may request the submitting entity for changes.

c. *Closed Session*: a closed session may be held:

- (1) *During certain labor negotiations*
- (2) *Attorney client non meetings to consider threatened or existing litigation*
- (3) *To discuss the character, professional competence, alleged misconduct or the physical or mental health of a person unless prohibited by law.*

L. GENERAL PROCEDURES

1. *Signing of County Documents*

The Chair, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the County Commission and require an official signature; except when the County Manager or approved department heads has been authorized by Commission action to sign documents. In the event the Chair is unavailable, the Vice-Chair may sign such documents.

2. *Quorum*

Three members of the Commission shall constitute a quorum and are necessary for the transaction of County business.

3. *Minutes*

The County Clerk or designee shall take minutes at all meetings of the County Commission. The minutes shall be made available for public inspection. Unless a member of the Commission requests a reading of the minutes of a Commission meeting, such minutes may be approved without reading, if the Clerk or designee has previously furnished each member with a copy thereof.

4. *How Many Votes are required for Passage?*

For all ordinances, resolutions, and motions, a simple majority of the Commission members present (assuming a quorum) is sufficient for passage unless prohibited by law.

M. Open Meeting Law

1. Applicability

The open meeting law applies to the County Commission and all standing, special or advisory boards, commissions, committees or subcommittees of, or appointed by, the County Commission.

2. NRS 241

The Board of Commissioners will adhere to the mandates of NRS 241 and if a question arises about the application of NRS 241 to the meeting then the District Attorney's Office will be consulted to determine the legal course of action.