



# **Nye County**

## **BOCC Rules of Procedure**



## Nye County BOCC Rules of Procedure

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## **1. Parliamentary Authority/Governing Rules**

- 1.1 Except as may be provided by these Rules or by law, questions of order, the methods of organization and the conduct of business of the Nye County Board of County Commissioners shall be governed by the rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, hereinafter referred to as *RONR*, in all cases in which they are applicable.
- 1.2 Legal counsel to the Board, or another person so designated by the Board, will serve as the Board's parliamentarian, and will advise the Chair regarding rules of procedure.

## **2. Openness of Meetings**

- 2.1 All meetings of the Nye County Board of County Commissioners shall be open to the public in accordance with the Nevada Open Meeting Law, Chapter 241 of the Nevada Revised Statutes.
- 2.2 Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Board Chambers or other meeting rooms shall be limited. All reasonable efforts will be made to ensure the facilities for that meeting are large enough to accommodate the anticipated number of attendees.
- 2.3 All meetings of the Board will be conducted in a publicly accessible building.
- 2.4 Except as may be provided by these Rules, the definitions contained in the Open Meeting Law shall apply to all provisions of the Rules.
- 2.5 Notwithstanding the above provisions, the Board may hold a closed session and exclude the public pursuant to applicable law.
- 2.6 No duly elected or appointed Member of the Board may be excluded from any meeting including closed sessions of the Board.

## **3. Quorum**

- 3.1 A majority of the entire Board shall constitute a quorum. No ordinance, resolution, policy or motion shall be adopted by the Board without the affirmative vote of the majority of the entire Board, or if required by law, a supermajority vote of the entire Board, unless otherwise provided for in these Rules or *RONR*.



- 3.2 When a majority only of the members is present at a meeting of the board, in case of a tie vote on any question, the vote must be postponed to a subsequent meeting.
- 3.3 During a Board meeting, Commissioners should remain in the Chambers at all times unless an emergency or illness should occur. Commissioners present in the meeting should not absent themselves for a particular item.
- 3.4 In the event that a Commissioner is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
- 3.5 Should no quorum attend within 15 minutes after the time appointed for the meeting of the Board, or upon a meeting having commenced with a quorum, which quorum shall have been lost, the Chair or the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The names of the Members present and their action at such meeting shall be recorded in the minutes by the Clerk.

#### **4. Officers**

- 4.1 The officers of the Board shall be the Chair and the Vice Chair. These officers shall perform the duties prescribed by these Rules and by RONR.
- 4.2 The nominations for and election of the Chair and the Vice Chair for the ensuing year shall be accomplished by the Board within 30 days of the first or second regularly scheduled meeting in January. No nominations or selections shall be accomplished until after any newly elected Commissioners have taken office.
- 4.3 The Chair and the Vice Chair shall serve a term of one year, or until such time as a successor has been selected by the Board pursuant to these Rules. In the event of a vacancy, the Board shall fill the vacancy within 30 days from the date of such vacancy.

In the event of a vacancy in the position of Chair prior to the first regularly scheduled meeting in January, the Vice Chair will automatically assume the position of Chair and the board shall fill the vacancy of Vice Chair with 30 days.

- 4.4 The Chair presides at all meetings of the Board. The Chair's responsibilities shall include, but not be solely limited to:



- 4.4.1 Opening the meeting at the appointed time and calling the meeting to order, having ascertained that a quorum is present.
  - 4.4.2 Recognizing all persons entitled to the floor.
  - 4.4.3 Calling for the question and announcing the decision of the Board on all matters coming before it.
  - 4.4.4 Preserving decorum and order, and in case of disturbance or disorderly conduct in the Board Chambers or other meeting room, causing the same to be cleared by recessing the meeting, or causing any disruptive individual(s) to be removed.
  - 4.4.5 Calling to order any Member of the Board who violates any of these procedures and, when presiding, deciding questions of order, subject to a majority vote on a motion to appeal.
  - 4.4.6 Expediting business in every way compatible with the rights of the Members.
  - 4.4.7 Calling a brief recess at any time.
  - 4.4.8 Fixing a maximum time allotted to a public speaker at a public hearing.
  - 4.4.9 Providing for designation of spokesmen for groups of persons.
  - 4.4.10 Directing the Clerk to swear witnesses (including attorneys) in matters where the Board sits in a quasi-judicial capacity.
  - 4.4.11 Declaring the meeting adjourned.
  - 4.4.12 Coordinating scheduling and notification for meetings with Board Members and appropriate County staff.
- 4.5 In the absence of the Chair or in the event of the Chair's inability to serve by reason of illness or accident, the Vice Chair shall perform the duties and functions of the Chair until the Chair's return to the County or recovery and resumption of duty.
- 4.6 In the absence of both the Chair and the Vice Chair, the Members present shall elect a temporary Chair by a simple majority vote of those Members present.
- 4.7 All officers of the Board possess all the rights vested in each Board Member unless otherwise specifically provided for in these Rules.



## 5. Order of Business/Agenda

### 5.1 Preparation of the Agenda

- 5.1.1 Items for the agenda for any regular meeting of the Board may be included on the agenda only with the approval of the County Manager provided, however, Board Members may file an item for the agenda for a regular meeting directly with the person or office responsible for preparing the agenda.
- 5.1.2 The County Manager (with input from the Chair and/or Vice Chair and/or other Commissioners and assistance from the Administrative Manager) shall prepare the agenda for each meeting.
- 5.1.3 All items to be included on the agenda must be submitted no later than 5:00 p.m. ten (10) business days prior to the scheduled meeting. Any Board Member may submit an item for the agenda no later than 8:00 a.m. six (6) business days prior to the scheduled meeting. Holidays are not counted in the calculation of business days.
- 5.1.4 All agenda support material shall be received no later than 5:00 p.m. seven (7) business days prior to the scheduled meeting to be considered. Any Board Member submitting an item for consideration must submit the agenda support material for his item(s) by the deadline set forth for receipt of his item.
- 5.1.5 The County Manager shall determine the placement of agenda items within the various agenda designations.
- 5.1.6 The agenda also shall include notice of items to be heard by the Board in its separate and distinct capacity as the Board of Highway Commissioners and the Licensing and Liquor Board:
  - 5.1.6.1 Board of Highway Commissioners
  - 5.1.6.2 Licensing and Liquor Board
- 5.1.7 The following persons are authorized to place matters on the agenda:
  - 5.1.7.1 Members of the Nye County Board of County Commissioners



5.1.7.2 The County Manager and designees

5.1.7.3 All other elected officials of the County shall file items (using the prescribed format) for the agenda with the County Manager

5.1.7.4 Requests for placement of items on the agenda by other persons or agencies must contain a brief summary of the subject matter of what is proposed to be orally presented to the Board; copies of any supporting documentary material, if appropriate; and the names(s) of the person(s) who will make the presentation. The requests will be referred to the County Manager who shall make a recommendation to the Chair. With the concurrence of the Chair, the County Manager may place the request as an item on the agenda, with the recommendation of the County Manager, on the date designated by the Chair.

## 5.2 Agenda Items

### 5.2.1 Order of Business

5.2.1.1 The general order of business for the Board of County Commissioners shall be as follows:

1. Pledge of Allegiance
2. Approval of the Agenda
3. First General Public Comment Period
4. Awards and Presentations
5. Approval of Minutes
6. Commissioners'/Manager's Comments
7. Consent Agenda
8. General Business
9. Second General Public Comment Period
10. Second Commissioners'/Manager's Comments



## 11. Adjournment

5.2.1.2 The Chair may alter or deviate from this schedule.

### 5.2.2 Agenda Support Material

5.2.2.1 Each agenda item shall contain a cover sheet with a concise one or two paragraph summary prepared by staff. The initiating agency or individual shall be responsible for drafting the summary, subject to such changes as may be made in the review process. This summary shall include background information on the item, justification for County involvement, short-term and long-term impact on County programs and revenue, action requested or required to be taken by the Board and a recommendation by the County Manager and appropriate staff.

5.2.2.2 Attached to each agenda item shall be as much background material as is necessary for an informed decision by the Board.

5.2.2.3 No support material shall be considered if it is received later than the date specified in these Rules for receipt of agenda support material. If the Board determines by a majority vote of those Members present that they desire to consider the information, it will be allowed for consideration, provided that sufficient copies are made available for the Board Members, the County Manager, the Clerk, and the presenter of the item, County Counsel, and public review at all accessible locations of the meeting.

5.2.3 In accordance with the Open Meeting Law, items not on the posted agenda for a meeting shall not be considered by the Board, except as follows:

5.2.3.1 Upon determination by a majority vote of the entire Board that an emergency situation exists. The determination shall be made prior to Board consideration of the emergency item. An emergency situation is limited to situations:



1. Where the need to discuss or act upon an item is truly unforeseen at the time the meeting agenda is posted and mailed or before the meeting is called;
2. Where an item is truly of such a nature that immediate action is required at the meeting.

5.2.3.2 Attorney-Client privileged communications, as allowed for under the Nevada Revised Statutes.

5.2.3.3 Certain labor negotiations proceedings, as allowed for under the Nevada Revised Statutes.

5.2.4 Definitions of Agenda Designations:

5.2.4.1 Awards and Presentations – On the portion of the agenda designated for Awards and Presentations, the Chair may make presentations on behalf of the County, or at his sole discretion may allow others to make presentations he deems appropriate for the Board of County Commissioners meeting.

5.2.4.2 First General Public Comment – On the portion of the agenda designated as the first “General Public Comment” period, members of the public shall be allowed to speak on all matters not included on the agenda, in accordance with these Rules and RONR, Newly Revised. There shall be no debate and no action by the Board. There is an aggregate time limit for this item of 15 minutes, but it may be extended at the Chair’s discretion.

5.2.4.4 Commissioners’/Manager’s Comments – The purpose of the Commissioners’/Manager’s Comments is to promote matters relating to County business and for announcements and suggested topics for future agendas. Any Commissioner, any Department Head or designee, or any Elected Official or designee may request the preparation of proclamations, resolutions, ordinances, reports or other documents. All such requests shall be referred to the County Manager, as appropriate.

5.2.4.5 Consent Agenda – on the portion of the agenda designated as “Consent” all items contained therein may be voted on with one motion. Consent items are



considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Manager, or the County Counsel/designee may withdraw an item from the Consent Agenda by requesting said withdrawal before there is a motion under consideration to approve the Consent Agenda items. After such a motion is under consideration, withdrawal of items may only be accomplished through an amendment to the main motion.

- 5.2.4.6 General Business – General business items are items of a general nature that require Board direction or pertain to Board policy. This may not appear as an actual designation on the agenda.
- 5.2.4.7 Timed Items – Items on the agenda designated with a specific time shall not be heard prior to the time designated, and every reasonable effort shall be made to hear that item as close to the time designated as possible.
- 5.2.4.8 Second General Public Comment Period – On the portion of the agenda designated near the end of the meeting as the second “General Public Comment” period, members of the public shall be allowed to speak, in accordance with these Rules and RONR. There shall be no debate and no action by the Board.

## **6. Rules of Debate**

### **6.1 Decorum**

- 6.1.1 Every Commissioner desiring to speak should address the Chair, and upon said recognition by the Chair, should confine discussion to the question under debate.
- 6.1.2 Commissioners shall refrain from: speaking while the Chair or other Board Members are speaking; speaking against their own motion; and disturbing the orderly conduct of the meeting.
- 6.1.3 A Member, once recognized, should not be interrupted when speaking unless said Member is being called to order. The Member should then cease speaking until the question of order is



determined, without debate, by the Chair. If in order, said Member shall be at liberty to proceed.

6.1.4 A Member shall be deemed to have yielded the floor when he has finished speaking. A Member may claim the floor only when recognized by the Chair.

6.1.5 Board Members shall not speak on a matter again until every Board Member who wishes to speak on the item has had an equal number of opportunities.

6.1.6 The Chair shall let the floor alternate, as far as possible, between those favoring and those opposing the motion.

## 6.2 Motions

6.2.1 A motion and a second to the motion shall precede any action and any discussion on an agenda item.

6.2.2 If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the Chair.

6.2.3 When a motion is presented and seconded, it is under consideration.

6.2.4 If the Chair wishes to put forth or second a motion, he shall relinquish the Chair to the Vice Chair, or in his absence, the most senior Member of the Board available, until the main motion, which he moved or seconded, has been disposed.

6.2.5 An amendment to a motion must be germane. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:

6.2.5.1 By Consent of the Members – The Chair or another Commissioner through the Chair may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.

6.2.5.2 Formal Amendment – An amendment may be presented formally by moving to amend the motion in some way. If



it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

- 6.2.6 Withdrawal of Motion – A motion may be withdrawn by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the Chair unless seconded by another Member.
- 6.2.7 Lack of Motion – If no motion comes forward for consideration, the item will be considered dead and no further action shall be taken on the item.

## **7. Public Participation/Citizen Input**

- 7.1 The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encourages citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.
- 7.2 The general policy of the Board regarding public participation is as follows:
  - 7.2.1 Up to three (3) minutes per person
  - 7.2.2 The Chair may set a limit for organized group presentations of five (5) or more persons up to 15 minutes.
  - 7.2.3 The Chair may set limits for each side when many persons request to speak on an agenda item.
  - 7.2.4 The Chair shall have discretion in setting time limits.
  - 7.2.5 The Chair shall have discretion to reopen General Public Comment any time he deems appropriate.
- 7.3 General Public Comment



- 7.3.1 At regularly scheduled County Board meetings, the Board provides two comment periods for citizens to speak on items that are not on the agenda. The two public comment periods are denoted on the agenda as "General Public Comment". The remarks of each speaker at the initial comment period shall be limited to no more than three (3) minutes, unless the Chair extends the time. Any citizens who did not speak during the first general public comment period shall have the opportunity to speak during the second general public comment period.
- 7.3.2 There will be a total of fifteen (15) minutes scheduled at the first general public comment period for members of the public to address the Board on any subject matter within the jurisdiction of the Board and which is not an item on the agenda for that meeting or litigation which is pending against the County of Nye or its officers or employees, unless waived by the Chair
- 7.3.3 The matters presented before the Board will then be addressed by staff, as requested by the Board, in the ensuing days, and the County Manager or his designee shall report back in writing to the Board of County Commissioners.
- 7.3.4 If the inquiry is unable to be addressed or resolved by staff, the County Manager or his designee shall report back to the Board of County Commissioners by written memorandum outlining the reasons why the inquiry was unable to be addressed at a staff level and indicating possible solutions for the inquiry (i.e., a change in policy, procedures, or ordinances). This procedure shall not be used if "appeal" mechanisms already exist to address the inquiry.
- 7.3.5 If a specific topic has been presented before the Board of County Commissioners, either under the general public comment period or under an item that appeared on a Board of County Commissioners agenda during the preceding three (3) month period, any attempt to readdress that same topic will be deemed a non-unique inquiry for the basis of determining which presentations will be heard at the beginning of the meeting.
- 7.3.6 No person may yield speaking time to another person.

#### 7.4 Addressing the Board



- 7.4.1 When a person is recognized, the person shall step up to the speaker's table and shall state and spell their first and last name in an audible tone of voice for the Clerk's official minutes.
  - 7.4.2 All remarks shall be addressed to the Board as a body and not to any Member thereof.
  - 7.4.3 No person, other than a Member of the Board, and the person having the floor, may be permitted to enter into any discussion, either directly or through a Member of the Board, without permission of the Chair.
  - 7.4.4 Speakers should make their comments concise and to the point, and present any data or evidence they wish the Board to consider. No person may speak more than once on the same subject unless specifically granted permission by the Chair.
- 7.5 Decorum
- 7.5.1 Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Board, or disturb any person having the floor. No person shall refuse to obey the orders of the Chair or the Board. Any person making irrelevant, repetitious, slanderous, offensive, inflammatory, irrational remarks or amounting to personal attacks or interfering with the rights of other speakers shall be considered willfully disruptive. Any person who becomes willfully disruptive or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chair, unless permission to continue or address the Board again is granted by the majority of the Board Members present.
  - 7.5.2 If the Chair or a majority of the Board Members present declares an individual out of order, he or she will be requested to relinquish the floor. If the person does not do so, he or she is subject to removal from the Board Chambers or other meeting room.
  - 7.5.3 No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting.



- 7.5.4 Any person who becomes disruptive or interferes with the orderly business of the Board may be removed from the Board Chambers or other meeting room for the remainder of the meeting.

## **8. Adjournment**

- 8.1 No meeting should be permitted to continue beyond 11:00 p.m. without the approval of a majority of the Board Members present. A new time limit must be established before taking a Board vote to extend the meeting. In the event that a meeting has not been closed or continued by Board vote prior to 11:00 p.m., the items not acted on are to be continued to 8:30 a.m. on the following day, unless applicable law requires hearing at a different time, or unless the Board, by a majority vote of the Members present, determines otherwise.

## **9. Meetings**

- 9.1 Regular Meetings – The regular meetings of the Board shall be held in accordance with all applicable laws, a minimum of once per month. All reasonable efforts shall be taken to keep the regular meetings consistent in day (i.e., first and third Tuesday) and time.
- 9.2 Special Meetings – A special meeting of the Board will be held upon written request to the County Manager and approved by the Chair and one member of the board, specifying the time, date, place and purpose of the meeting. Upon receipt of the request, the County Manager shall cause immediate written notice to be given to each of the Commissioners. Public notice must be given in accordance with all applicable laws. Alternatively, the Chair, in his discretion, may convene a meeting of the Board other than a regularly scheduled meeting, with appropriate public notice.
- 9.3 Emergency Meetings – Emergency meetings shall be allowed in accordance with these Rules and all applicable laws.

## **10. Commissioner's Correspondence and other Communications**

- 10.1 Board of County Commissioner's letterhead will be used for responses to policy issues.
- 10.2 Individual members of the Board may utilize individual Commissioner's letterhead for responses to constituent letters, as long as it is not a policy issue, and the Commissioner indicates it is his/her opinion, not the policy of the Board.



- 10.3 Individual members of the Board may request assistance from the County Manager to disseminate information relating to the Board's goals, objectives, the operation of County business, or the implementation of County policies. Distributed information must be informational in nature, factual, and not contrary or detrimental to the Board's official position on a matter.
- 10.4 Commissioners may forward e-mails, correspondence, and phone calls and their responses to the County Manager's Office who will monitor any responses and track the request, suggestion, issue, etc.
- 10.5 Commissioners shall be aware of and comply with the restrictions of the Open Meeting Law when e-mailing or electronically communicating with other Commissioners.
- 10.6 Commissioners are authorized to use the County seal on correspondence and other communications to authenticate official documents in the conduct of official County business.

## **11. Ceremonial Functions and Proclamations**

- 11.1 The Chair is authorized to represent the County at ceremonial functions, proclamation ceremonies, and other similar events when the Board has not otherwise designated one of its Members to represent the County. The Chair shall coordinate the representation of the County by other Members at such events.

## **12. Suspension of Rules and Procedure**

- 12.1 Any Rule not in conflict with State statutes may be suspended temporarily by a two-thirds vote of the Members present. The temporary suspension shall apply only to the matter under immediate consideration and, in no case, shall it extend beyond an adjournment.

## **13. Amendment of Rules and Procedure**

- 13.1 Amendment of these Rules of Procedure shall be allowed by the same mechanism used to adopt said Rules.

## **14. Minutes and Other Documents**

- 14.1 Minutes of all meetings shall be kept by the Clerk to the extent required by law.

