

Douglas County, Nevada
Boards, Committees, and Commissions

Policies and Procedures

March 2, 2018

Adopted:
April 5, 2018
Updated
June 7, 2018

TABLE OF CONTENTS

PREFACE..... 1

PURPOSE AND AUTHORITY 1

EQUAL OPPORTUNITY..... 1

CODE OF CONDUCT 1

APPLICATION 1

TYPES 2

Advisory Boards, Committees, and Commissions 2

Legislative Boards, Committees, and Commissions..... 2

Regulatory Boards, Committees and Commissions 2

Member of a Non-County Board, Committee, or Commission 3

APPOINTMENT AUTHORITY 3

APPOINTMENT PROCEDURES 3

Vacancies to be advertised 3

Qualification and Residency Requirements 3

Methods of Appointment..... 4

Filling Mid-Term Vacancies 4

Nominations by Individual Members of the Board of County Commissioners 4

Criteria for Appointment 4

Background Check..... 5

Advance Review of Qualifications 5

Timely Submission of Information..... 5

TERMS 6

TERM LIMITS..... 6

ATTENDANCE POLICY 6

MULTIPLE APPOINTMENTS..... 7

CONFLICT OF INTEREST 7

PUBLIC PROCESS (OPEN MEETING LAW)..... 7

REMOVAL OF MEMBERS 8

ASSIGNMENT OF STAFF SUPPORT 8

OPERATION PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES 8

Organization 8

<i>Preparation of Agendas</i>	8
<i>Records</i>	9
<i>Communication with Board of County Commissioners</i>	9
<i>Meeting Location and Time</i>	9
<i>Compensation</i>	10
<i>Rules of Procedure (Bylaws)</i>	10
MEETING GUIDELINES	11
<i>Quorum Required</i>	11
<i>Officers and Minutes</i>	11
<i>Terms for Chairperson</i>	12
LEGAL COUNSEL	12
STAFF LIAISONS	12
REPORTS TO BOARD OF COUNTY COMMISSIONERS	13
<i>Subcommittees</i>	13
PROCEDURE FOR ESTABLISHING A NEW BOARD, COMMITTEE OR COMMISSION	13
<i>By Proposal of Citizens or County Departments</i>	13
<i>By Board of County Commissioners' Action</i>	13
PROCEDURE FOR ELIMINATION OF A BOARD, COMMITTEE, OR COMMISSION	13
Appendix A	14
Advisory	14
Legislative*	15
Regulatory*	16
Member**	17
Appendix B	19
Department Assignments	19
Appendix C	21
Open Meeting Law	21

Boards, Committees, and Commissions

PREFACE

Douglas County is blessed with a citizenry that believes in the value and benefits of community service and active public engagement. The men and women who serve the County as volunteers and as members of its boards, committees, and commissions are critical to Douglas County's mission of providing quality services to its residents and to ensuring government processes are open, transparent and inclusive and that our superior quality of life is preserved for present and future generations.

PURPOSE AND AUTHORITY

Boards, committees, and commissions are created under the authority granted to the County by the Nevada Revised Statutes Chapter 244 and the Douglas County Code Title 2. They are intended to gather and parse information for the purpose of presenting options and recommendations to the Douglas County Board of County Commissioners. Unless otherwise directed by the Nevada Revised Statutes, Douglas County ordinance, resolution of the County Commissioners or by order of law such entities are advisory in nature and retain no official independent authority or responsibility.

EQUAL OPPORTUNITY

The goal of Douglas County is to encourage a diverse membership and participation on its boards, committees, and commissions. Equal opportunity is good business and applies to all areas of citizen involvement. Douglas County does not discriminate in its selection decisions based on race, religion, color, national origin, gender, gender identity or expression of a person, sexual orientation, age, political affiliation, pregnancy, military status, disability, genetic information, or any other basis. The selection of members of a board, committee, or commission is based solely on merit and fitness.

CODE OF CONDUCT

It is expected that appointees to all County boards, committees and commissions shall conduct themselves in a manner befitting their position. Courtesy, honesty, and respect for others are important attributes for all public servants whether appointed, elected, or employed. Everyone who serves the County should treat others in a professional manner being mindful of the fact that they are expected to represent and be accountable to the people they serve.

APPLICATION

This policy applies to all appointed boards, committees, and commissions, Douglas County offices/departments and to all elected officials, department directors and their employees except as stated below.

This policy does not apply to the Douglas County Board of County Commissioners, the Douglas County Liquor and Entertainment Board, the Douglas County Board of Health, the Douglas County Redevelopment Authority, nor any non-County board, committee, or commission created by

state or federal law on which a member of the Board of County Commissioners sits or where the Douglas County Board of County Commissioners is required to appoint a portion of the membership but not a majority of the membership.

This policy does not apply to internal committees established by department directors for informal processes such as the County's Risk Management Committee, or the County Manager's Internal Review Committee. These committees exist at the discretion of the Directors and do not involve non-County members.

TYPES

Boards, committees, and commissions are created by state law, ordinance or resolution of the Board of County Commissioners.

Each committee is unique in its purpose, mission, and role. It is especially important that members be familiar with their committee's governing statutes, ordinances, or controlling resolutions and other authorizing documents so they understand the framework within which the committee must operate. The County's executive department advisory bodies may in some cases not be a public body under the Open Meeting Law.

There are four main types of committees (See Appendix A.):

Advisory Boards, Committees, and Commissions

The Board of County Commissioners, elected executive officials, the County Manager, and department directors may create an advisory board, committee, or commission. The members serve as advisors on policy and/or operational matters to the County's executive department or to the Board of County Commissioners. Advisory bodies may study existing policy and/or operational procedures for changes or implementation. Advisory bodies do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of County government. Examples of advisory bodies are the Parks and Recreation Commission and the Redevelopment Authority Citizen's Committee which are also public bodies under the Open Meeting Law.

Legislative Boards, Committees, and Commissions

Legislative boards, committees, and commissions are created by state law with the membership appointed by the Douglas County Board of County Commissioners, or, in the case of the Board of County Commissioners, elected to the board by the community. Boards, committees or commissions with legislative authority have the ability to make, amend or repeal ordinances and regulations. An example of this legislative authority is the Douglas County Redevelopment Authority's ability to zone or rezone property in a redevelopment area.

Regulatory Boards, Committees and Commissions

Usually, these types of bodies are created by statute or ordinance and perform rule-making or administrative hearing functions. In fulfilling these functions, they operate as a review and appeals body. As an appeals body, they hear individual cases and rule on them; their decisions, however, are usually subject to further appeals, which might

include a hearing officer, or the Board of County Commissioners or a State board, or judicial review. Examples of regulatory bodies are the Board of Equalization and the Douglas County Board of Health.

Member of a Non-County Board, Committee, or Commission

The boards, committees, and commissions listed under this heading are created by other governments or agencies and the County has been asked (or mandated by state or federal law) to supply a member(s). An example of a board that's not created by the Douglas County Board of County Commissioners but to which the Board appoints members is the Nevada Association of Counties (which is a nonprofit corporation) or the Tahoe Regional Planning Agency Governing Board (which is a bi-state government public body).

APPOINTMENT AUTHORITY

Members are appointed by resolution or minute order to the various boards, committees, and commissions by a majority vote of the Douglas County Board of County Commissioners or by the Chairman of Douglas County as set out in the particular state law, ordinance, or resolution of the Board of County Commissioners.

APPOINTMENT PROCEDURES

Vacancies to be advertised

Douglas County Executive Office staff publicizes vacancies on the County's boards, committees, and commissions and solicits and reviews applications for membership from interested citizens. Notice is published in the local newspaper and is posted on the County's website by means of an announcement naming the type of vacancy, where to obtain an application and the closing date for accepting applications. Applications may be accepted between application periods and held until the next vacancy occurs.

The notice is generally made at least four weeks in advance of the end of the term and the application period generally remains open for a minimum of two weeks. Prior to the time an incumbent's term expires, he or she may apply for reappointment if eligible.

Commissioners, existing board and committee members, and others are encouraged to recruit citizens to apply for vacancies if they believe they would serve the County well. If no applications are received by the expiration of the application period, or if applicants fail to receive majority support from the Board of County Commissioners, the individual members of the Board of County Commissioners may privately solicit, or collectively take public action to solicit individuals to serve and may appoint members without another open application period.

Qualification and Residency Requirements

A person sitting on an advisory board that only serves Douglas County must be a resident of Douglas County and registered to vote in Douglas County.

Methods of Appointment

- A. When a board, committee, or commission is first created, the members shall be appointed by the Board of County Commissioners after review of the applications and interviewing the candidates either in person or electronically.
- B. After the initial formation of the board, committee, or commission, any vacancy occurring for any reason shall be filled by appointment by the Board of County Commissioners after reviewing the submitted applications and interviewing the prospective members either in person or electronically, unless an appearance is waived in the discretion of the County Manager.

Filling Mid-Term Vacancies

Should a mid-term vacancy occur on a board, committee, or commission, the Board of County Commissioners may appoint a replacement member to complete the remainder of the term, as provided by this policy and state law. If applications for the original appointment are less than one year old, the Board may appoint a replacement from the original pool of applicants.

Nominations by Individual Members of the Board of County Commissioners

Where an individual member of the Board of County Commissioners is authorized to appoint an individual to a board, committee or commission, the appointment(s) shall be made no later than the first Board of County Commissioners' meeting in February of each year for those committees having annual terms or the February following a General Election for newly elected Board of County Commissioners for those board, committee, or commission members whose terms are co-terminus with the appointment member of the Board of County Commissioners.

Criteria for Appointment

- A. Application. All applicants for appointment or re-appointment must provide to the County Manager a completed application on a form to be provided by the County Manager.
- B. Residency. Appointment to certain boards, committees or commissions must, by state law, ordinance, resolution or County requirements, be limited to residents of Douglas County. Persons residing outside the County may be considered and appointed to positions not legally restricted to County residents when determined appropriate by the Board of County Commissioners.
- C. Criminal Record: A person convicted of a felony, domestic violence or a gross misdemeanor involving moral turpitude (conduct contrary to community standards of justice, honesty and good morals) is not eligible to serve on a County board, committee, or commission. The application form shall contain a provision for a statement under oath that the candidate is eligible to serve on a board, commission, or committee under the criteria set forth in this paragraph

- D. Conflicts. Except as specifically required or allowed by law, County employees (including elected officials), persons who have been a County employee and/or an elected official during the previous twelve months, and persons who have a contract for services and/or goods with the County are not eligible for appointment to any County board, committee, or commission that has authority over the contract.
- E. Contributive Potential. The Board of County Commissioners shall evaluate the potential contribution that each applicant may make if appointed to a board, committee, or commission. Guiding factors include:
 - 1. Desire and ability to perform the service.
 - 2. Ability to express ideas, concepts, and philosophies.
 - 3. Experience in the community.
 - 4. Special knowledge important to a particular board, committee, or commission, yet with the ability to represent the interests of the community as a whole and not a special interest.
 - 5. Ability to work collaboratively with other members, staff, and officials.
 - 6. An assurance of sufficient time available to devote to the duties of the board, committee, or commission.
- F. Reappointments. Incumbents who wish to be reappointed and who are eligible for reappointment shall submit an application during the application period. In addition to the criteria above, the Board of County Commissioners will also evaluate incumbents using the following criteria.
 - 1. Attendance. The expected minimum standard of attendance at all meetings is 75%, regardless of whether absences are excused or unexcused.
 - 2. Understanding the function of the board, committee, or commission.
 - 3. Contribution to the efforts of the board, committee, or commission.
 - 4. Effectiveness as a participating member of the body.
 - 5. Number of terms served.

Background Check

The Board of County Commissioners may require a pre-appointment background check for any position if deemed warranted. The cost of the background check will be borne by the County.

Advance Review of Qualifications

Prior to presenting applicants by the Board of County Commissioners, the County Manager shall determine whether each applicant is eligible for appointment to the position for which the applicant has applied.

Timely Submission of Information

It is the Board of County Commissioners' aspirational goal to ensure all information relating to appointments to boards, committees, and commissions is received by Board members and made available to the public in a timely fashion. The late submission of information should be avoided when possible.

TERMS

Whenever possible, terms will be set to expire at either yearend or mid-year. The same expiration date may apply to all terms of the board, committee, or commission. Terms may be adjusted as necessary to maintain staggered expiration dates.

TERM LIMITS

Except as otherwise provided by law or specifically authorized herein, no person shall serve on the same board, committee, or commission for more than twelve (12) consecutive years. Determination of time served on a board, committee, or commission begins after the effective date of this policy.

Where maximum terms of service are specified, appointees:

1. Serving a two (2) year term may be reappointed five times for a maximum of six (6) terms;
2. Serving a three (3) year term may be reappointed three times of a maximum of four (4) terms;
3. Serving a four (4) year term may be reappointed twice for a maximum of three (3) terms; and
4. Serving a five (5) year or greater term may be reappointed once for a maximum of (2) two terms.

For a term of two (2) years or less, appointments of less than one (1) year made to fill an unexpired term shall not be considered as a full term. Appointments of one (1) year or more shall be considered a full term.

For a term greater than two (2) years, appointments of less than two (2) years made to fill an unexpired term shall not be considered as a full term. Appointments of two (2) years or more shall be considered a full term.

Members shall continue to serve after the expiration of their term until a new appointment or reappointment is made, or the member resigns in writing.

Anything to the contrary herein notwithstanding, an incumbent who is made ineligible to serve a term by this provision may be reappointed for the term if: (1) the incumbent applies for reappointment; (2) the incumbent is otherwise eligible for reappointment; and (3) no other qualified individual submits an application.

ATTENDANCE POLICY

All board, commission and committee members shall attend at least seventy-five percent (75%) of all meetings in the preceding twelve (12) month period. No differentiation is made between excused or unexcused absences of members.

MULTIPLE APPOINTMENTS

No non-elected person is eligible to apply or to serve on more than one board, committee, or commission at any one time. The prohibition does not apply to appointments made by individual members of the Board of County Commissioners.

CONFLICT OF INTEREST

All members of boards, committees, or commissions must avoid any conflict of interest. No individual may use an official position to gain personal advantage. If a member of a board, committee, or commission concludes that the member has a conflict of interest with respect to a matter pending before the board, committee, or commission, the member shall disclose the conflict of interest and abstain from voting and/or recuse himself or herself as required by Nevada's Ethics in Government Law (NRS 281A.010 – 281A.550) from participating in the deliberations and decision-making process for the matter under consideration. A member so disqualifying himself or herself shall have no personal presence before or direct communication with the other members regarding the matter at issue. Failure of a member to disclose that he or she has a conflict of interest on a matter under consideration by the particular board, committee, or commission may be cause for removal from the board, committee, or commission.

A member convicted of a felony, domestic violence or gross misdemeanor involving moral turpitude shall resign from the board, committee or commission within 30 days of the conviction.

PUBLIC PROCESS (OPEN MEETING LAW)

In enacting NRS 241, the Nevada Legislature found and declared that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that public body actions be taken openly and that their deliberations be conducted openly. Generally a public body means any administrative, advisory, executive or legislative body of a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof.

It is the responsibility of every member of a board, committee, or commission to understand the requirements of the Open Meeting Law and to assure that they individually and the board, committee, or commission as a whole operate within the letter and spirit of the law. The County, through the District Attorney's Office, provides annual training on the Open Meeting Law and the Nevada Ethics requirements to assist the members of a board, commission, or committee in understanding the requirements of the law. Additionally, the District Attorney, on his or her own, or at the request of the committee chair may provide a short course on the Open Meeting Law at any scheduled meeting of the board, commission, or committee. Chair persons are encouraged to request a presentation on the Open Meeting Law at least annually or more often if the circumstances warrant (e.g. turnover in members). Members are required to attend either the annual training course or the short course at the committee level within twelve (12) months of appointment.

REMOVAL OF MEMBERS

Except as otherwise limited by applicable law or ordinance, the Board of County Commissioners may, by majority vote, remove any of the appointed members of a County board, commission, or committee for cause based on the Board of County Commissioners' reasonable discretion. Members removed by the Board shall be so notified. If the member was appointed by and represents another organization or government jurisdiction, the agency shall be notified of the Board's desire that the member be lawfully removed.

ASSIGNMENT OF STAFF SUPPORT

Douglas County has a number of established boards, committees, and commissions that are assigned to County departments. When boards, committees or commissions deal primarily with issues of a single department, they are typically assigned to that department for staff support. These boards, committees, and commissions are listed in Appendix B. Elected executive officials and department directors are responsible to provide liaison, leadership, facilitation, and/or administrative support to the boards, committees, and commissions assigned to them.

OPERATION PROCEDURES AND COMMITTEE MEMBER RESPONSIBILITIES

Organization

Except as otherwise provided by law, ordinance, or resolution, there shall be an annual election of a chairperson and vice-chairperson held by all boards, committees, and commissions created by the Board of County Commissioners. The Chairperson is the hub of the committee process and is key to the operation and effectiveness of the board, committee or commission. The chairperson must make every attempt to run the meeting by the rules of procedure while at the same time ensuring that a fair democratic process is provided to all members of the group and to the public at large. The chairperson should take care to ensure the committee deliberations and discussion stay focused on the issue at hand. The most important part of being chairperson lies in the ability to find common ground and to achieve compromise, if appropriate. The chairperson must be able to represent the entire group to the Board of County Commissioners and community groups. Unless otherwise provided by law, ordinance or resolution, a Board of County Commission member appointed to a board, committee, or commission, shall not serve as chairperson or vice-chairperson.

Preparation of Agendas

Matters within the scope of the body's authority which are desired to be heard by a board, committee, or commission member, the department director, the County manager or a Board of County Commissioners member shall be placed on the agenda on or before the time of agenda signing by using the appropriate board, committee, or commission agenda form and shall be attributed to the requestor.

Matters within the scope of the body's authority desired to be heard by an individual citizen or outside entity shall be submitted by said individual citizen or outside entity in the form of a letter of request to appear before the board, committee, or commission no less than fourteen (14) days prior to the next scheduled board, committee, or commission meeting. The letter should be addressed to the liaison department (See

Appendix B) and should describe the item to be considered, whether it is a discussion or action item and the approximate time needed. Any supporting documents must be submitted no less than seven (7) working days prior to the meeting date. The liaison department will submit the request to the chairperson who will timely advise the liaison department whether to place the matter on the agenda or otherwise advise the requester that the chairperson will not place the matter on the agenda unless requested to do so by another member, the department director, the County Manager or any member of the Board of County Commissioners.

The Chairperson will work with the staff liaison to review agendas for appropriate timing and placement of items. Except as otherwise provided above, the chairperson does not have the authority to remove items from the agenda or to prevent placement of items on agenda.

Records

Boards, committees, and commissions are covered under the public records statutes of Nevada. Procedural compliance with the law is a function of staff liaison support in most instances. However, from time to time, members of boards, committees, and commissions will receive communications regarding matters within their scope of activities. All types of communications, including email, constitute a public record and the County is obligated to retain it in accordance with guidelines and policies prescribed by law. Similarly, communications to members, to citizens, officials and staff are public records as well. Members of boards, committees, and commissions should provide a copy of all communications to their respective staff liaison for inclusion in the public record.

Communication with Board of County Commissioners

Expressions of a board, committee, or commission's position, recommendation or request for any action shall be in the form of a resolution, motion or other written communication, setting forth the reasons, facts, policies, and/or findings of the body supporting the communication and shall be directed to the Board of County Commissioners and the County Manager. It should be emphasized that when a member who is present at a Board of Commissioner's meeting is asked to address the Board of County Commissioners on a matter, the member should take care to represent the viewpoint of the particular board, committee, or commission as a whole and to avoid expressing his or her personal opinion unless clearly stated as such.

Meeting Location and Time

The County Manager shall designate meeting locations for the County's boards, committees, and commissions. It is the policy of the Board of County Commissioners that meetings:

1. Should be televised if feasible;
2. Should be held at a time and location designed to facilitate public attendance and participation;
3. Should be held at a time and location reasonably convenient to the membership of the board, committee, or commission;
4. Should be scheduled on a reasonably consistent basis in regard to the time and location for meetings of a particular board, committee, or commission; and
5. Should be scheduled in a manner that conserves County resources when possible.

Compensation

Members of boards, committees, and commissions serve without compensation unless authorized by statute, ordinance, or resolution adopted by the Board of County Commissioners.

Members may be reimbursed for authorized travel expenses incidental to their service.

Rules of Procedure (Bylaws)

Boards, committees, and commissions operating under the auspices of the Board of County Commissioners may, depending on the nature of the group, adopt rules to address procedural considerations. Such rules of procedure shall not become effective until reviewed and confirmed by the Board of County Commissioners.

Every board, committee, and commission should have a set of bylaws to direct and clarify its actions, procedures and organization. Bylaws are the guidelines by which a board, committee, or commission functions internally. Each board, committee, or commission may either develop its own set of bylaws or choose to adopt the meeting guidelines outlined below as their bylaws.

According to *Robert's Rules of Order*, bylaws define the primary characteristics of an organization, prescribe how it should function, and include rules that are so important that they may not be changed without prior notice to members and a formal vote and agreement by a majority of the members appointed to the board, commission or committee. Ordinarily, bylaws may only be changed by a two-thirds majority of the members appointed to the board, commission or committee.

If a board, committee, or commission chooses to adopt its own bylaws, they will generally include a number of articles such as the following:

- Name of the board, committee, or commission
- Mission statement
- Membership
- Officers
- Meetings
- Committees, subcommittees
- Parliamentary procedure – often including the name of the manual of parliamentary procedure the board, committee, or commission will follow
- Amendment procedures for making changes in the bylaws

Bylaws should include expectations as well as guidelines for members. Issues such as attendance, responsibilities, and discipline should be addressed in the bylaws. Board, committee, and commission members are expected to adhere to bylaws and all relevant statutes.

MEETING GUIDELINES

Quorum Required

In the absence of any super majority required by law or ordinance, a quorum consisting of at least fifty one percent (51%) of the board, committee, or commission is required to have a meeting and transact any business. The quorum requirement protects against unrepresentative deliberations or actions by a small number of individuals. In some cases, the governing law or document will establish what the quorum will be.

The law does not expressly address what to do in circumstances when a noticed meeting fails to obtain or retain a quorum at or during the scheduled meeting time, therefore it is the policy of the County that:

- A. **When No Quorum Is Possible.** If the chairperson or liaison department staff is aware that a quorum will not be present at any time during the scheduled public meeting, then the meeting shall be cancelled. When possible it shall be cancelled by providing email notice to any applicable notification list and posting the cancellation notice at the door of the noticed meeting location.
- B. **If There Will Be a Late Quorum.** If it is reasonably believed that one or more member will arrive late to complete the quorum, the meeting may begin at its scheduled time, but the chair may call for only non-action informational agenda items and public comment to be heard by the public body until a quorum is present. At any time after call to order and roll call, the chairperson may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely appear.
- C. **If There Is a Loss of Quorum.** If for any reason during a public meeting that has been convened the public body loses its quorum, the chairperson may call for only non-action informational agenda items and public comment to be heard until a quorum is present. At any time after losing a quorum, the chairperson may call a recess until the quorum is present, or call an adjournment (without a vote) after providing for public comment if the quorum does not timely reappear.

Officers and Minutes

Unless otherwise provided by law, ordinance or resolution, at the first meeting of each calendar year, the board, committee, or commission shall pursuant to a noticed agenda item elect a chairperson who shall preside at meetings. The board, committee, or commission shall then choose a vice-chairperson. The vice chairperson shall preside in the absence of the chairperson. All meetings must be recorded on an electronic media that can be copied and written minutes of all meetings shall be forwarded to the assigned County department, County Manager and Board of County Commissioners consistent with the Open Meeting Law.

Terms for Chairperson

It is the aspirational goal of the Board of County Commissioners that leadership will regularly rotate among the members of the boards, committees and commissions. As such, a member should only serve as chairperson for two consecutive years and should be nominated for chairperson only when two or more years have passed since the member last served as chairperson. A board, committee or commission may deviate from this aspirational goal if it determines that compliance would be detrimental to its purpose or function.

LEGAL COUNSEL

The District Attorney's Office serves as legal counsel to the boards, committees, and commissions created by the Board of County Commissioners and for those where state statute identifies the District Attorney as legal counsel. The District Attorney advises and represents the County departments and employees as they fulfill their official duties, expresses legal opinions, and defends County officials and employees for actions performed in good faith in their official capacities.

The District Attorney can provide valuable information and advice regarding statutes, ordinances and legal issues. A board, committee, or commission that follows the advice of the District Attorney increases its defenses from liability and is more likely to avoid legal problems. Members may request the following kinds of information from the District Attorney:

- Assurance that the board, committee, or commission's decisions and actions fall within statutory authority.
- Input about conflicts of interest.
- Input about compliance with the Nevada Open Meeting Law requirements.

Requests for formal legal opinions must be directed through the appropriate department director for review and to the County Manager or appropriate elected official for approval prior to sending the request to the District Attorney's Office.

STAFF LIAISONS

As liaisons to boards, committees, and commissions, County staff members provide a variety of professional assistance and administrative functions; these include preparing and distributing meeting notices, record keeping, providing professional guidance and analysis, and serving as the communication link between boards, committees, and commissions or counsel. Staff liaisons will consult with board, committee, or commission chairperson on the preparation of agendas.

The liaisons are staff professionals with significant responsibilities in addition to their liaison activities. The liaison role is one of communications to assist boards, committees, and commissions in their work. It is important for the orderly working of the County to be sensitive to the fact that they are not "committee staff" and do not work "for" or "at the direction" of a board, committee, or commission. They are professionals who work to develop information and recommendations for consideration by the Board of County Commissioners.

REPORTS TO BOARD OF COUNTY COMMISSIONERS

There will be occasions when the County staff will be required to prepare an agenda report on a board, committee, or commission action or appeal for the Board of County Commissioners' review. In preparation of such a report, the staff member should present both the staff position and the board, committee, or commission's position. The position of members not voting in the majority on an item should also be presented in the staff report if so requested by the member. Nothing in this provision is intended or shall be interpreted to prohibit or discourage a member, usually the chair or vice-chair, from presenting or participating in staff's presentation of the board, committee, or commission's position on the action or appeal.

Subcommittees

Boards, committees, and commissions are authorized to create subcommittees for purposes related to their purview with the approval of the County Manager.

PROCEDURE FOR ESTABLISHING A NEW BOARD, COMMITTEE OR COMMISSION

New board, committees, and commissions may be established in two ways:

By Proposal of Citizens or County Departments

With the consent of the County Manager, citizen or County department proposals for establishing new boards, committees, and commissions will be submitted to the Board of County Commissioners for consideration. If approved, the originating department will prepare a resolution establishing the new board, committee, or commission, including the purpose and duration of the board, commission or committee and submit it to the Board of County Commissioners for approval. Upon approval, the originating department will work with the County Manager's office to prepare application forms and advertise for applicants for the new board, committee, or commission.

By Board of County Commissioners' Action

The Board of County Commissioners may propose the formation of a new board, committee, or commission and assign it to a department. The assigned department will assist in the preparation of applications and advertising as described above.

PROCEDURE FOR ELIMINATION OF A BOARD, COMMITTEE, OR COMMISSION

At least annually, the County Manager shall evaluate the usefulness and necessity of each board, committee, and commission not required by State or Federal law. If the County Manager determines that one or more is no longer useful or necessary, the County Manager shall place an item on an agenda for a Board of County Commissioners' meeting to consider elimination of the boards, committees, or commissions at issue.

Appendix A Types of Committees

Advisory

Advisory Board to Manage Wildlife	Standing	County	NRS 501.260-501.325;
Douglas County Airport Advisory Committee	Standing	County	DCC 2.58.010
Douglas County Audit Committee	Standing	County	Policy 10.07 Adopted 2/1/2018
Douglas County Debt Management Commission	Standing	County	NRS 350.011 -350.0165
Douglas County Law Library Board	Standing	County	NRS 380.020 DCC 2.50.010
Douglas County Parks and Recreation Commission	Standing	County	NRS 244.0371 -244.30792.; Res. 77-6
Douglas County Senior Services and Public Transit Advisory Council	Standing	County	Resolution #2018R-30
Local Emergency Planning Committee	Standing	County	42 U.S.C. §11001
Water Conveyance Advisory Committee	Standing	County	DCC 2.56.010

Legislative*

Douglas County Board of County Commissioners	Standing	Electorate	NRS Chapter 244
Douglas County Liquor and Entertainment Board	Standing	State	NRS 244.345, 244.350;
Douglas County Redevelopment Authority	Standing	State	NRS 279.426 -279.514
Douglas County Regional Street and Highway Commission	Standing	County	NRS 277A.010 -277A.380 DCC 2.32.010
Douglas County Water District	Standing	State	BOCC – ex officio Board of Directors Chapter 621 Statutes of Nevada 1989

* - Some may be both Legislative and Regulatory

** - Not all are Public Bodies

Regulatory*

9-1-1 Surcharge Advisory Committee	Standing	County	NRS 244A.7645
Douglas County Board of Appeals (Building Code)	Standing	County	DCC 20.810.040
Douglas County Board of Equalization	Standing	County	NRS 361.334 -361.365
Douglas County Board of Health	Standing	County	NRS 439.280 -439.360;
Douglas County Library Board of Trustees	Standing	County	NRS 379.020, 379.025
Douglas County Planning Commission	Standing	County	NRS 278.030 -278.265
Genoa Historic Resources Commission	Standing	County	DCC 2.28

* - Some may be both Legislative and Regulatory

** - Not all are Public Bodies

Member**

Carson Area Metropolitan Planning Area	Standing	Other	23 U.S.C. §134.23 CFR
Carson-Truckee Water Conservancy	Standing	Other	BOCC member not required
Carson Valley Arts Council	Standing	Other	
Carson Valley Chamber of Commerce	Standing	Other	
Carson Valley Visitors Authority	Standing	Other	
Carson Water Sub-conservancy District	Standing	Other	1989 Nev. Stat. 1408
China Springs Youth Camp and Aurora Pines Facility Advisory Council	Standing	Other	Appointed by Senior District Judge DCC 2.26.040
Douglas County Convention and Visitors Bureau	Standing	Other	NRS 244A.597 – 244A.655
Douglas County Lake Tahoe Sewer Authority	Standing	Other	2017 Statutes of Nevada Chapter 335
Douglas County Social Services Tripartite Advisory Board	Standing	Other	State of Nevada Regulation
Lake Tahoe South Shore Chamber	Standing	Other	
Lake Tahoe Visitors Authority	Standing	Other	
Nevada Association of Counties (NACO)	Standing	Other	Non-profit corporation
Nevada Tahoe Conservation District	Standing	Other	NRS 548.185 -548.510
NevadaWorks	Standing	Other	

Northern Nevada Development Authority (NNDA)	Standing	Other	
South Lake Tahoe Basin Waste Management Authority	Standing	Other	Joint Powers Agreement
State Land Use Planning Advisory Council	Standing	Other	NRS 321.740 -321.750
Stateline Regional Storm Water Treatment and Disposal System	Standing	Other	1995 Statutes of Nevada Chapter 360
Tahoe Douglas Visitors Authority	Standing	Other	1997 Statutes of Nevada Chapter 496
Tahoe Prosperity Center	Standing	Other	Non-profit Corporation
Tahoe Regional Planning Agency Governing Board	Standing	Other	NRS 278.792 -278.806
Tahoe Regional Planning Agency Advisory Planning Commission	Standing	Other	NRS 278.808
Tahoe Transportation District Board of Directors	Standing	Other	NRS 277.200
Western Nevada Development District	Standing	Other	Non-profit corporation
Western Nevada Home Consortium	Standing	Other	
Western Nevada Resource Conservation	Standing	Other	

*- Some may be both Legislative and Regulatory

** - Not all are Public Bodies

Appendix B Department Assignments

Board, Committee, or Commission	Department
9-1-1 Surcharge Advisory Committee	Emergency Services
Advisory Board to Manage Wildlife	N/A
Carson Area Metropolitan Planning Organization	N/A
Carson- Truckee Water Conservancy	N/A
Carson Valley Arts Council	N/A
Carson Valley Chamber of Commerce	N/A
Carson Valley Visitors Authority	N/A
Carson Water Sub-conservancy District	N/A
China Springs Youth Camp and Aurora Pines Facility Advisory Council	N/A
Douglas County Airport Advisory Committee	N/A
Douglas County Audit Committee	Finance
Douglas County Board of Appeals (Building Code)	Community Development
Douglas County Board of County Commissioners	County Manager
Douglas County Board of Equalization	Assessor
Douglas County Board of Health	Community Services
Douglas County Convention and Visitors Bureau	N/A
Douglas County Debt Management Commission	Finance
Douglas County Lake Tahoe Sewer Authority	N/A
Douglas County Law Library	District Attorney
Douglas County Library Board	Library
Douglas County Liquor Board	Sheriff's Office/County Manager
Douglas County Parks and Recreation Commission	Community Services
Douglas County Planning Commission	Community Development
Douglas County Redevelopment Authority	County Manager
Douglas County Regional Street and Highway Commission	Public Works
Douglas County Senior Center	Community Services
Douglas County Social Services Tripartite Advisory Board	Community Services
Douglas County Water District	County Manager
Genoa Historic Resources Commission	N/A
Lake Tahoe South Shore Chamber of Commerce	N/A
Lake Tahoe Visitors Authority	N/A
Local Emergency Planning Committee	N/A – East Fork Fire
Nevada Association of Counties (NACO)	N/A
North Tahoe Conservation District	N/A
NevadaWorks	N/A
Northern Nevada Development Authority (NNDA)	N/A
South Lake Tahoe Basin Waste Management Authority	N/A
State Land Use Planning Advisory Council	N/A

Stateline Regional Storm Water Treatment and Disposal System	N/A
Tahoe Douglas Visitors Authority	N/A
Tahoe Prosperity Center	N/A
Tahoe Regional Planning Agency Governing Board	N/A
Tahoe Regional Planning Agency Advisory Planning Commission	N/A
Tahoe Transportation District Board of Directors	N/A
Water Conveyance Advisory Committee	N/A
Western Nevada Development District	N/A
Western Nevada Home Consortium	N/A
Western Nevada Resource Council	N/A

Appendix C Open Meeting Law

This Compliance Checklist is from the Nevada Attorney General's Nevada Open Meeting Law Manual, 12th Edition, January 2016. Check the following website for updates:
http://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/OML_Portal/2016-01-25_OML_12TH_AGOMANUAL.pdf

Part 1 COMPLIANCE CHECKLIST

This is a checklist to reference when applying the Open Meeting Law. References in brackets are to the NRS and sections of this manual.

- _____ Does the Open Meeting Law apply?
- _____ Is the entity a public body? [NRS 241.015(4), §§ 3.01-3.10]
- _____ Is there an exemption or exception from the Open Meeting Law? [§§ 4.01-4.07]
- _____ Is a meeting going to occur? [NRS 241.015(3), §§ 5.01-5.13]
- _____ Will a quorum of the members of the public body be present? [§ 5.01]
- _____ Will a quorum deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction, or advisory power?
[§ 5.01]

Agenda (see Sample Form 1)

- _____ Has a clear and complete agenda of all topics to be considered been prepared?
NRS 241.020(2)(d)(1) §§ 6.02, 7.02]
- _____ Does the agenda list all topics scheduled to be considered during the meeting?
[§§ 6.02, 7.02]
- _____ Have all the topics been described clearly in the agenda in order to give the public adequate notice? [§§ 6.02, 7.02]
- _____ Does the agenda include designated periods for public comment?
- _____ Does the agenda state that action may not be taken on the matters discussed during this period until specifically included on an agenda as an action item?
[§§ 6.02, 7.04, 8.04]
- _____ Does the notice inform the public that (1) items may be taken out of the order listed on the agenda, and (2) agenda items may be combined for consideration, and (3) items may be delayed or removed at any time? [§ 6.02]
- _____ Does the agenda (1) describe the items on which action may be taken and (2) clearly denote that these items are for possible action? [§§ 6.02, 7.01, 7.02]
- _____ Has each closed session been denoted, including the name of the person being

considered in the closed session, and if action is to be taken in an open session after the closed session, was it indicated on the agenda?

[§§ 7.02, 9.06, NRS 241.020(2)(d)(4)]

Notice, posting, and mailing (see Sample Form 1)

_____ Has written notice of the meeting been prepared? [NRS 241.020(2), § 6.01]

_____ Does the notice include:

_____ The time, place, and location of the meeting? [§ 6.02]

_____ An agenda of topics for discussion or possible action; for further information, see Sample Form 1, this manual, or Index under “Agenda.”

_____ A list of places where the notice was posted? [§ 6.03]

_____ A statement regarding assistance and accommodations for physically handicapped people? [§ 6.02]

_____ Was the written notice [NRS 241.020(3)(a), § 6.03]:

_____ Posted at the principal office of the public body (or if there is no principal office, at the building in which the meeting is to be held)? [§ 6.03]

_____ Posted at not less than three other separate, prominent places within the jurisdiction of the public body? [§ 6.03]

_____ Posted on the official website of the State, <https://notice.nv.gov>? [§ 6.03]

_____ Posted on the public body’s website if the public body maintains a website? [§ 6.03]

_____ Posted no later than 9 a.m. of the third working day before the meeting? (Do not count day of meeting) [§§ 6.03, 6.05]

_____ In compliance with minimum public notice, is there written documentation for the public body’s record of meeting? [NRS 241.020(4)]

_____ Was the written notice mailed at no charge to those who requested a copy? [§§ 6.04, 6.07]

_____ Was it mailed in the same manner in which the notice is required to be mailed to a member of the body? [§ 6.04]

_____ Was it delivered to the postal service used by the body no later than 9 a.m. of the third working day before the meeting? [§ 6.04]

- _____ Have persons who requested notices of the meeting been informed with the first notice sent to them that their request lapses after six months? [NRS 241.020(3)(c), § 6.04]
- _____ If a person's character, alleged misconduct, professional competence, or physical or mental health is going to be considered at the meeting, has that person been given written notice of the time and place of the meeting? [NRS 241.033(1), § 6.09]
- _____ Does the notice contain a list of the general topics concerning the person, inform the person that he/she may attend the closed session, bring a representative, present evidence, provide testimony, and present witnesses? [NRS §241.033(4)]
- _____ Does the notice inform the person that the public body may take administrative action against the person? If so, then the requirements of NRS 241.034 have been met. [NRS §241.033(2)(b)]
- _____ Was the notice personally delivered to the person at least five working days before the meeting or sent by certified mail to the last known address of that person at least 21 working days before the meeting? (Nevada Athletic Commission is exempt from these timing requirements.) [NRS 241.033(1)-(2)]
- _____ Did the public body receive proof of service of the notice before holding the meeting? (Nevada Athletic Commission not exempt from this requirement.) [NRS 241.033(1) (a) and (b)]

Agenda support material made available to public

- _____ Has at least one copy of an agenda, a proposed ordinance or regulation that will be discussed at the meeting, and any other supporting material (except confidential material as detailed in the statute) been provided at no charge to each person who so requests copies? [NRS 241.020(6) and (7) §§ 6.06, 6.07]
- _____ Has the governing body of a city or county whose population is greater than 45,000 posted its supporting materials to its website no later than the time the material is provided to members of the governing body? Material provided to the governing body during its meeting must be uploaded to its website within 24 hours after conclusion of the meeting. [NRS 241.020(8)]
- _____ Does each agenda list the contact information for the person(s) from whom a requester may obtain a copy of meeting supporting materials or the place where a copy may be obtained?

Emergency Meeting

- _____ Is this an emergency meeting? [NRS 241.020(2) and (10), § 6.08]
- _____ Were the circumstances giving rise to the meeting unforeseen?
- _____ Is immediate action required?
- _____ Has the entity documented the emergency?
- _____ Has an agenda been prepared limiting the meeting to the emergency item?
- _____ Has an attempt been made to give public notice?
- _____ While the notice and agenda requirements may be relaxed in an emergency, are other provisions of the Open Meeting Law complied with (e.g., meeting open and public, minutes kept, etc.)?

Closed Session

- _____ Is a closed session specifically authorized by statute? [NRS 241.020(1); NRS 241.030(1), §§ 9.01-9.07]
- _____ Have all the requirements of that statute been met?
If a closed session is being conducted to consider character, misconduct, competence, or physical or mental health of a person or to consider an appeal by a person of the results of an examination, see NRS 241.033:
 - _____ Is the subject person an elected member of a public body? If so, a close session is not authorized. [NRS 241.031, § 9.04]
 - _____ Is the closed session to consider the character, alleged misconduct, or professional competence of an appointed public officer or a chief executive or administrative officer in a comparable position of a public body (i.e. president of a university, state college or community college within NSHE system, county school superintendent, or city or county manager)? If so, a closed meeting is prohibited. [NRS 241.031(1)(b)]
 - _____ Is the closed session to discuss the appointment of any person to public office or as a member of a public body? If so, a closed session is not authorized. [NRS 241.030(4)(d), § 9.03]
 - _____ Has the subject been notified as provided above? Has proof of service been returned to the public body? [NRS 241.033(1), § 6.09]
 - _____ If a recording was made of the open session, was a recording also made of the closed session? [NRS 241.035(4), § 9.06]

- _____ Was the subject person given a copy of the recording of the closed session if requested? [NRS 241.035(6), NRS 241.033(6), § 9.06]
- _____ Have minutes been kept of the closed session? [NRS 241.035(2) § 10.02]
- _____ Have minutes and recordings of the closed session been retained and disposed of in accordance with [NRS 241.035(2)? § 10.03]
- _____ Was a motion made to go into closed session which specifies the nature of the business to be considered and the statutory authority pursuant to which the public body is authorized to close the meeting? [NRS 241.030(3), § 9.06]
- _____ Was the discussion limited to specific matters specified in the motion? [§ 9.06]
- _____ Did the public body go back into open session to take action on the subject discussed? (This must be done unless otherwise provided in a specific statute) [§ 9.06]
- _____ Has the subject requested the meeting be open? If so, the public body must open the meeting unless another person appearing before the public body requests that the meeting remains closed. [NRS 241.030(2)(a) and (b)]

Meeting open to public; accommodations

- _____ Have all persons been permitted to attend? [NRS 241.020, § 8.01]
- _____ Was exclusion of witnesses at hearings during the testimony of other witnesses handled properly? [NRS 241.030(4)(b), 241.033(5), § 8.07]
- _____ Was exclusion of persons who willfully disrupted a meeting to the extent that its orderly conduct is made impractical handled properly? [NRS 241.030(4)(a), § 8.06]
- _____ Have members of the public been given an opportunity to speak during the public comment period? [NRS 241.020(2)(d)(3), § 8.04]
- _____ Are facilities adequate and open? [§ 8.02]
- _____ Have reasonable efforts been made to assist and accommodate physically handicapped persons desiring to attend? [NRS 241.020(1), § 8.03]
- _____ If the meeting is by telephone or video conference, can the public hear each member of the body? [§ 5.05]

_____ Have members of the general public been allowed to record public meetings on audiotape or other means of sound reproduction as long as it in no way interferes with the conduct of the meeting? [NRS 241.035(3), § 8.08]

Stick to agenda; emergency agenda items

_____ Have actual discussions and actions at the meeting been limited to only those items on the agenda? [§ 7.03]

_____ If an item has been added to the agenda as an emergency item:
[NRS 241.020(2) and (10), § 6.08]

_____ Was it due to an unforeseen circumstance?

_____ Was immediate action required?

_____ Has the emergency been documented in the minutes?

_____ Did the body refrain from taking action on discussion items or public comment items? [NRS 241.020(2)(d)(3), § 7.04]

Recordings

_____ The public body shall record its public meeting [NRS 241.035(4), § 10.04]:

_____ Have recordings been made of the closed session as well as open sessions?
[NRS 241.035(4), § 9.06]

_____ Recordings of public meetings must be made available to the public within 30 workdays after adjournment of the meeting. [NRS 241.035(2)]

_____ Recordings must be retained for at least one year after the adjournment of the meeting. [NRS 241.035(4)(a)]

_____ Recordings of public meetings must be treated as public records in accordance with public records statutes. [NRS 241.035(4)(b)]

_____ Have recordings of closed sessions been made available to the subjects of those sessions, if requested? [NRS 241.033(6)]

Minutes

_____ Have minutes or an audio recording been made available for both open and closed sessions? [NRS 241.035(2), (4) and (6), § 10.02]

_____ Do they include at a minimum the material required by NRS 241.035(1)? [§ 10.02]

_____ Are minutes of open sessions kept as public records under the public record statutes and NRS 241.035(2)?

_____ Have minutes of open sessions been made available for inspection by the public within

30 working days after the adjournment of the meeting, retained for at least five years, and otherwise treated as provided in NRS 241.035(2)?

_____ Have minutes of closed sessions been made available to the subjects of those sessions if requested? [NRS 241.033(6)]

Non-compliance

_____ Have any areas of noncompliance been corrected? [§§ 11.01, 11.02, 11.03, 11.04]

_____ If litigation is brought to void an action or seek injunctive or declaratory relief, was it brought within the time periods in NRS 241.037(3)? [§ 11.07]