

# COUNTY OF NEVADA

STATE OF CALIFORNIA

## BOARD OF SUPERVISORS



Chair Heidi Hall, 1<sup>st</sup> District

Robb Tucker, 2<sup>nd</sup> District

Vice Chair Lisa Swarouth, 3<sup>rd</sup> District

Sue Hoek, 4<sup>th</sup> District

Hardy Bullock, 5<sup>th</sup> District

Jeffrey Thorsby, Chief of Staff/Clerk of the Board

### ORDER AND DECORUM OF BOARD BUSINESS

#### 1. STATEMENT OF PURPOSE

The purpose of the Order of Decorum of Board Business is to provide transparent policy direction and establish expectations on a) how the Board of Supervisors (“Board”) shall conduct County business; b) how the Chair and Vice Chair shall schedule and manage meetings; c) how County staff shall prepare, support, participate and interact with the Board to further County business; and d) how to provide transparent expectations to the public on how meetings shall be conducted to ensure civility and promote public engagement.

Central to the mission of the County is the core responsibility to ensure the public’s right to participate in transparent government through the right of free speech as guaranteed under law, while also ensuring that the Board is able to carry out the business of the County. When public disruption or other factors threaten the Board’s ability to conduct its business, the County and its residents are placed in jeopardy related to core public services, emergency services, and/or County priorities not being met. Additionally, the purpose of this policy is to avoid, mitigate and respond to any acts of incivility or other disruptions that may impact the Board’s ability to conduct the business of the County.

#### 2. PUBLIC PARTICIPATION IN BOARD MEETINGS

Even though items on the Board’s agenda may not be noticed as public hearings, the public’s participation in the affairs of government assists in keeping the public educated through the governing process and has value. Consideration will be given to this value while the Chair reserves the privilege to recognize members of the public. Board members assistance in calling attention to public members they desire to be recognized is encouraged. The following rules of conduct for receiving public comment shall apply to all meetings of the Board. Each person may only address the Board one time per each item on the agenda, one time on the consent agenda, and one time during public comment for matters not on the agenda.

a. **Matters on the agenda:** The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. The Chair may limit the total amount of time for comment on any agenda item and may limit any individual desiring to address the Board to no more than three (3) minutes at the Chair’s discretion. Comments by the public must be relevant to the item on the agenda being considered by the Board. This includes:

- i. Consent Agenda
- ii. Community Presentations
- iii. Department Head Items
- iv. Scheduled Items

b. **Matters not on the agenda:** At regular meetings of the Board, members of the public shall be allowed to address the Board of Supervisors on matters not appearing on the agenda which are of interest to the public and which are within the subject matter jurisdiction of the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda although staff may be asked to briefly respond to or follow up on such items.

The Chair of the Board may limit the total amount of time allocated for public comment; provided, however, the Board will allow at least fifteen (15) minutes for receiving public comment during any Board meeting. The Chair of the Board may limit any individual desiring to address the Board to no more than three (3) minutes at the Chair's discretion. Time to address the Board will be allowed on the basis of the order in which the requests were received. The members of the public addressing the Board may be limited in amount of time dependent upon the press of business and the number of persons wishing to address the Board.

- c. **Public Hearings:** All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Chair of the Board may limit the total amount of time allocated for the public hearing and may limit any individual desiring to address the Board to no more than three (3) minutes at the Chair's discretion. Any person may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

Whenever a public hearing is conducted, the public hearing is closed, and the matter is continued to a subsequent meeting for Board deliberation and/or action, the Board shall not allow public comment and/or testimony on that item at the subsequent hearing. However, at the initial public hearing, prior to taking action, the Board may, at its sole discretion, elect to continue the matter and reopen the public hearing. At the subsequent hearing, all information will be considered. The Board may also, at the initial public hearing, prior to taking action, announce that the public hearing is being continued for specific information and the public testimony will only be heard on new information specific to the Board's direction. If, after the public hearing is closed and the Board later decides to reopen the public hearing for public testimony, appropriate notices must be published.

**d. Public Comment:**

- i. Speakers shall address the Board from the designated podium, virtual kiosk, or other designated location, including teleconferencing system(s). Speakers are encouraged but not required to give their name and supervisorial district or location of residence before addressing the Board. This is to assist the Board with identifying which supervisorial district the speaker resides in.
- ii. Speakers shall direct their comments to the Board, through the Chair, and not to the audience or staff.
- iii. Speakers may comment on specific matters before the Board with reasons for the position taken.
- iv. The Chair may, at their discretion, increase the allotted time for any given speaker, but shall not be required to do so.
- v. A speaker may not yield time to another speaker.
- vi. No individual may speak more than once during public comment or on an item on the agenda unless recognized by the Chair as having new information.
- vii. In the interest of civil discourse, the rules as specified in this Order and Decorum of Board Business and Robert's Rules of Order, to the extent such rules are not in conflict with the Brown Act, shall apply at all Board meetings. It shall be the responsibility of the Chair to ensure that public comment is conducted in such a manner in order to avoid disruptive activity, promote mutual respect, keep comments focused on the subject being discussed, avoid personal attacks, and prohibit hate speech and the threat of violence.

- viii. At the start of each meeting, the Chair shall remind the public of the rules and expectations of the public including distinguishing the process for a) public comment for items on the consent agenda; b) general public comment for items not listed on the agenda; and c) public comment for items on the agenda.
- ix. Applicants, applicant representatives, and appellants desiring to speak shall be permitted to speak first during the public comment portion of a public hearing for not more than ten (10) minutes (or fifteen (15) minutes at Appeal Hearings) unless different rules for conducting the hearing are provided by County code or other applicable law. Time limits may be modified at the Chair of the Board's discretion.
- x. At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

### **3. PROMPTNESS AT MEETING TIME**

Board members are requested to observe timely appearance at Board functions in respect to the public, staff, and Board. With assistance from the Clerk of the Board, department staff and presenters will be scheduled in order to support the timely work of the Board. Board members are requested to notify the Clerk of the Board relative to their absence or anticipated late arrival as soon as such situation is known.

### **4. INTRODUCTION OF ITEMS REQUIRING BOARD ACTION**

All items not on the consent agenda will be introduced, and staff will be requested to highlight supporting information verbally. Ample time will be provided for Board members to request additional information from the department head advancing the action item. If the supporting information is incomplete or inaccurate, the item, with the consent of the Board, will be referred to the department for reevaluation and reintroduction. If sufficient information to support an action is presented and all Board members have had an opportunity to examine and question the staff relative to the facts supporting the merits, then action is appropriate.

After a motion is made and seconded, further discussion may take place to determine the relative benefit of the motion to the department and the public. Once the benefits are assessed through Board discussion, the Chair will call for the vote, or the Board majority calls for the question. If the information necessary to support the question of relative benefit is insufficient, a motion to continue would be in order.

### **5. AGENDA ITEMS**

No items shall be placed on the agenda that are beyond the subject matter jurisdiction of the County of Nevada or the authority of a California county.

### **6. USE OF E-COMMUNICATION AT PUBLIC MEETINGS**

- a. E-Communication is defined as "electronic text or visual communication and attachments distributed via e-mail, instant messaging, text messaging, social media messaging, or comparable services."
- b. Board members, except the Chair, shall not use E-Communication during a public meeting of the Board at which he or she is in attendance, excluding the Board's annual workshop where no action is taken.
- c. The Chair may use E-Communication during a public meeting for the sole purpose of coordinating with staff over the security or other relevant emergency circumstances related to the conduct of the meeting to ensure the safety of the Board, staff, and public.
- d. In the event of an urgent family matter, a Board member wishing to respond to a telephone call or text message during the meeting shall do so during a recess or shall excuse themselves from the meeting to place the return call or text in a manner that does not disrupt the meeting.

- e. Board members may elect to utilize electronic devices (i.e., laptops or tablets) during meetings solely for the purposes of accessing Board agenda packet information and resources.

**7. LAST MINUTE SUPPORTING DOCUMENTS**

Last minute supporting documents by staff put Board members and the public at a disadvantage by diluting the opportunity to study the documents. All late submissions of supporting documents must be justified in writing stating the reasons for the late submission. The Clerk of the Board will apprise the Board of the late submission of documents and their justification when appropriate. This does not apply to bona fide emergency items involving public health and safety requiring action by the Board.

**8. CONSENT CALENDAR PROCEDURE**

All consent items will be considered as the first order of business or after any community presentations or special recognitions.

Department heads, or their designated representative, will be present either in-person or via teleconferencing during the consent calendar to answer any questions.

If the department head is unable to be in attendance, the County Executive Officer will respond to questions and the item may be postponed until later in the day or the following meeting, if necessary.

If a member of the public requests an agenda item be pulled, the Chair shall request if a member of the Board will sponsor the item to be pulled. If no Board member will sponsor the action, the Chair shall inform the public that the request is denied. The Chair will then call for public comment for the consent calendar before taking a vote. If any item(s) is pulled, each item will be addressed after the approval of the consent agenda one at a time which includes calling for public comment for each respective pulled item.

**9. REQUEST FOR INPUT OR DIALOGUE**

Requests by Board members during a meeting for the opportunity to speak, for public input, or for additional staff input, should be made through the Chair.

**10. MOTIONS**

Once a motion is made, seconded, and under discussion, no other motion shall be made on the subject matter until a vote on the main motion has occurred.

**11. AMENDMENT OF MOTIONS**

Once a motion has been made and seconded, it may only be amended by the motion maker with the concurrence of the second.

**12. VOTE**

A majority vote of the Board, unless a greater number is otherwise required by law, is required to constitute a Board action. A tie vote on a motion affecting the merits of any matter shall be deemed to be a denial of the matter.

When a four-fifths vote of the Board is required, the agenda and staff will so state.

**13. VOICE VOTE**

The Board shall act by voice vote on all matters before it with the exception of resolutions and ordinances, which require a roll call vote. A Board member may ask for a roll call vote on any voting matter. Any Supervisor present who does not vote or abstain audibly shall be recorded as voting "yes."

**14. DISQUALIFICATION/ABSTENTION**

Any Supervisor may abstain from voting on any matter. If a Supervisor has a legal conflict on any matter, then the Supervisor shall be disqualified from discussing or voting on that matter. A disqualification/abstention from voting on the merits of any matter shall be announced by the Supervisor audibly. The Supervisor may state the reason for disqualification/abstention. However, any Supervisor disqualifying themselves due to a legal conflict of interest shall state the reason, shall completely abstain from participating in discussion on the matter, and shall leave the room until the Board has completed its discussion and action on that matter.

In addition, pursuant to California Government Code section 84308, members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing.

Abstention/disqualifications shall not count as a vote for or against a matter for which a vote is taken. This section applies to all elected and appointed officials serving on any board, committee, or commission of the County of Nevada. (Ord. 1558, 2/14/89)

**15. ABSENCE OF A CONTROLLING RULE**

In the absence of a controlling rule, and after inquiring of County Counsel, the Chair or acting Chair may give procedural directions to accommodate conduct of the business of the Board.

**16. ABSENCE FROM HEARING**

A Supervisor who is absent from all or a part of a public hearing, or where actions require findings or are quasi-judicial, may vote on the matter heard if the Supervisor states they have reviewed all evidence received during the absence and have also listened to the Clerk's recording of the proceedings.

**17. MOTION FOR RECONSIDERATION**

When additional information has surfaced at a meeting after a motion has duly passed or failed, a motion for reconsideration may be accepted only if the motion for reconsideration is advanced or seconded by a Board member who was in the majority vote on the motion for which reconsideration is being requested. The new or additional information should be presented during discussion after the motion for reconsideration has been duly seconded.

The Chair may reschedule an item if the participating public was present when originally considered and departed before reconsideration.

**18. INDIVIDUAL BOARD MEMBER AGENDA REQUESTS**

All individual Board items should be discussed with the Chair before agenda review. Individual Board items not budgeted or related to a current Board Objective that may impact any budget outside of the Clerk of the Board/Board of Supervisors should first be introduced by the individual Board member in concept and in seeking full Board direction to staff.

Any Board member's agenda item shall be submitted through the agenda review process prior to scheduling with the Clerk of the Board. All items will be reviewed for completeness. Sufficient supporting documents must be provided in a timely manner before being placed on the agenda so that appropriate department heads may become involved. Items must meet the established scheduling requirements. No more than two items per Board member will be considered at a Board meeting.

An action taken at a prior meeting should not be reconsidered without consent by a Board member who voted in the majority at that prior meeting.

**19. ESTABLISHMENT OF COMMITTEES AND COMMISSIONS**

Staff is to prepare a short cost benefits analysis before the Board acts to create a committee or commission.

**20. CALLING OF MEETING RECESS**

The Chair may call for a meeting recess per their discretion under the following circumstances while specifying the duration of the recess and the time of return:

- a. Request by a member of the Board.
- b. Recommendation by the County Executive Officer, County Counsel, Clerk of the Board, or law enforcement.
- c. Disruption of the meeting due to technical or other logistical needs.
- d. Disruption of the meeting due to incivility as follows:
  - i. Prior to taking a recess, the Chair shall attempt to regain control of the meeting and shall provide notice and a warning to the disruptive individual(s) if that behavior impacts the Board's ability to conduct its business.
  - ii. If the disruptive behavior continues, security staff will work with applicable law enforcement or other agency partners to regain order. Law enforcement, at their discretion, may take actions necessary for the safety of the Board, staff, and public per applicable law. A willful disturbance of a Board meeting can be a violation of the California Penal Code.
  - iii. Upon receiving direction from law enforcement, the Board members, County Executive Officer, Clerk of the Board, and County Counsel shall promptly dismiss themselves from the dais and relocate into the Board's Conference Room or other designated location.
  - iv. The County Executive Officer will inform the Chair once order has been reestablished. The Chair will then notify the County Executive Officer and other Board members when the meeting will reconvene.
  - v. Upon returning, the Chair shall briefly acknowledge why the Board recessed and remind the public of the rules and expectations as outlined within the Order and Decorum Policy.

**21. WORKSHOPS**

Study sessions in the form of workshops will be held as needed. The goal will be to gain in-depth information, allow full discussion, and assist the Board in clear understanding of County government. Use of E-Communication is permitted at workshops where no formal action is taken.

**22. OUT OF STATE TRAVEL**

The Chair will consider and be responsible for approval of all individual Board members' out-of-state travel requests unless already budgeted for that fiscal year.

**23. ATTENDANCE AT CONFERENCES**

Board members may, without the approval of the Chair and at County expense, attend regularly scheduled annual conferences held by California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), and National Association of Counties (NACo), and any meeting or conference of a committee for which they have been appointed as the Board's designated representative or alternate. Board members shall obtain a CSAC Supervisor Credential during their first term as a member of the Board of Supervisors. Upon enrollment for the CSAC Supervisor Credential, Board members may apply to the Chair for funds to attend other conferences that relate to County business. The Chair may approve such requests that are within the Board's budget. Requests above the Board's budget must be approved by majority vote of the entire Board. All payments and reimbursements for travel expenses will comply with the County's travel policy.

**24. CHAIR AND VICE CHAIR YEARLY SELECTION PROCEDURE**

Selection of the Chair and the Vice Chair will be by a majority vote of the Board; the Chair’s leadership will reflect the will of the majority. The Chair will not serve consecutive terms unless all other Supervisors decline to serve as Chair. (Policy adopted on 1/7/03.)

**25. ROLE OF THE CHAIR**

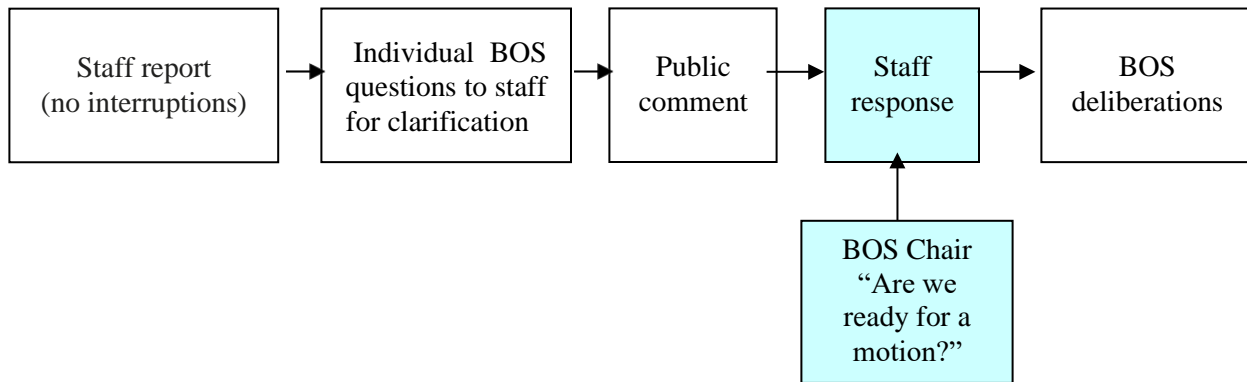
- a. Run meetings and associated duties within meetings.
- b. Preside over ceremonial activities.
- c. Appoint Supervisors to various Committee assignments.
- d. Approve Board sponsored agenda items that are within the purview and subject matter domain and control of the County.
- e. Approve agendas.
- f. Execute all ordinances, Board resolutions, and Board proclamations.
- g. Execute all Board-approved contracts, unless signing authority is otherwise delegated by the Board.
- h. Execute Letters of Advocacy or represent the Board of Supervisor legislative positions as approved by the Board.
- i. Attend County Executive operational advisory meetings on budget, capital facilities and other operational items per the request of the County Executive Officer

**26. ROLE OF VICE CHAIR**

- a. In the absence or recusal of the Chair, the role of Vice Chair includes all activities described in Section 25: Role of the Chair.
- b. Attend County Executive operational advisory meetings on budget, capital projects and other operational items per the request of the County Executive Officer

**27. CONDUCT OF PRESENTATIONS AND ROLES**

The procedure for presenting staff reports is:



**28. EXPECTATIONS OF BOARD MEMBERS**

- a. Always focus on what’s best for the County and represent the entire County as well as your individual district.
- b. Board members are elected by their district and should be the first to communicate with their district constituents on matters that affect only that district from a supervisor’s role. Other Supervisors should respect this and engage in another Supervisor’s district only after discussing the matter with that district’s Supervisor. The Brown Act is applicable here.
- c. Maintain good Board relationships and visibly demonstrate respect for, and fairly represent, each other.
- d. Be sensitive to your public image and conduct at all times.
- e. Be respectful, open, candid, honest, and fair:

- i. Explain your perspective, rationale, and reasoning.
  - ii. Remember that respect for debate, differing opinions, and reasoning mitigates polarization.
  - iii. Demonstrate that it is fine to disagree but not to be disagreeable.
  - iv. Don't be inhibiting or limiting.
    - v. Value the staff as individuals and demonstrate mutual respect.
  - vi. Let staff know of questions you have on an agenda item or staff's recommendations with grace.
- f. Do your homework, be prepared when bringing an item to the Board, be as concise as possible, and don't repeat comments previously made by another Supervisor.
- g. Recognizing that the Board is the staff's first priority:
- i. Provide clear direction to the staff.
  - ii. Prioritize the level of importance of issues and feel free to go directly to the County Executive Officer or their key staff.
  - iii. Primarily go to the County Executive's office, or a department head, in order to gain approval to meet with a front-line employee on a new issue.
  - iv. Ask questions, but let the staff know the difference between an informational or rhetorical question.
    - v. Think carefully before proposing a new program or changing a policy.
  - vi. Recognize that providing input to staff is welcome but does not constitute policy direction, which comes from the full Board.
  - vii. Leverage the Board of Supervisors' Analysts as your direct staff for assignments and individual Board items.
  - viii. Recognize the sensitivity of personnel matters, direct all personnel concerns or complaints to the County Executive's Office, and do not publicly discuss personnel issues.
- h. Briefly provide Supervisor's or Ad Hoc Committee's report during announcements.
- i. Ensure there are no surprises. Keep each other informed through the public process or meet with staff.
- j. When interacting with individuals or other agencies:
- i. Verify facts regarding complaints or concerns with staff.
  - ii. Clarify that you are one of five decision makers.
  - iii. Do not commit without checking with County staff first.
  - iv. Respectfully refer a member of the public with an issue to the appropriate Supervisor or department head.
- k. Attend and represent the county and its interests on appointed committees and commissions.
- i. When participating in appointed committees, commissions or other forums as an appointed representative of the Board of Supervisors, always act on behalf of the County's best interest as a whole that advance the county's core services, priority objectives, and reflect the county's Vision, Mission and Values.
  - ii. Refrain from actions that could be deemed controversial outside of the County's adopted policies by the Board of Supervisors.

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## 29. EXPECTATIONS OF STAFF

- a. Provide good service and show respect to the public.
- b. Accept full ownership for your department or work area.
- c. Present informative staff reports:
  - i. Give pros, cons, alternatives, and a recommendation.
  - ii. Present accurate, quality visuals.



- iii. Don't raise more questions than you can answer during a staff presentation.
  - iv. Stay well-organized and manage the time.
- d. Apprise the Supervisors in advance of:
    - i. Meetings and special projects in their districts.
    - ii. Any controversial issues or conversations; don't surprise the Board, especially on any "hot button" issues.
    - iii. Agenda items that affect their district.
    - iv. Any "bad news."
    - v. Deadlines that are in jeopardy and why.
    - vi. Problems facing the staff.
  - e. Clerk of the Board shall open Board Orders as directed by the Board when follow-up action items are requested by consensus of the Board for a future meeting to ensure accountability and transparency. The Clerk of the Board shall seek clarification and confirmation at the time of the meeting a Board Order is being requested or determined as applicable.
  - f. Set realistic deadlines, be proactive with regard to issues that need resolving, and produce timely documents.
  - g. Work cooperatively within the department and with other departments, demonstrate cooperation among staff, support each other, and be sensitive to each other's workloads.
  - h. Be loyal to the County and be sensitive to your public image and conduct at all times.
  - i. Feel comfortable going directly to Board members.
  - j. Do not participate in political activity while on duty.

### **30. EXPECTATIONS OF PUBLIC – CIVILITY CODE OF CONDUCT**

- a. The County of Nevada promotes mutual respect, civility, and orderly conduct among employees, elected officials, and the public. The Civility Code of Conduct is not intended to deprive any person of their right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for staff and a safe and non-threatening environment for visitors and customers. The County encourages professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions. The following set forth expectations of civility when interacting with the Board, staff, or other members of the public while on County public property and during public meetings.
  - i. All interactions between the Chair, Board, staff, other elected officials, and members of the public will be conducted in a respectful manner that acknowledges mutual respect.
  - ii. Threats and hate speech, including threats of violence, will not be tolerated.
  - iii. Members of the public will refrain from any behavior that disrupts, or threatens to disrupt, the Board from conducting County business and the conduct of government operations, including any of the following:
    - a) Intimidating or offensive communication.
    - b) Harassment or intimidation of any Board member, staff, elected official, or member of the public.
    - c) Willful destruction or damage of County property.
    - d) Conduct that threatens to provoke a violent reaction.
    - e) Possession of any weapon or concealed firearm in a public meeting.
    - f) Intentional disruption of public comment or demonstrates a continuing pattern of disruptive behavior.

- iv. Members of the public shall refrain from interrupting other speakers in order to allow for public participation.
  - v. Members of the public shall adhere to the procedures outlined within this policy during public meetings and shall provide comment only during public comment period as called on by the Chair and only during their allotted time.
  - vi. Members of the public shall not approach the dais, or presenters, during a meeting unless otherwise specifically directed by the Chair.
- b. Enforcement Protocols
- i. The County reserves the right to take any actions and applicable measures as necessary to promote this Civility Code of Conduct that may include official verbal warnings, suspension from County facilities, orders to “cease-and-desist,” and other actions to avoid, mitigate, and respond to any acts of incivility that may impact the County’s ability to conduct its business.