

CLARK COUNTY BOARD OF COMMISSIONERS

RULES OF PROCEDURE

HANDBOOK

DECEMBER 2018

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ARTICLE I – TITLE

This document shall be known as the Rules of Procedure – Clark County Board of Commissioners.

ARTICLE II – PURPOSE

To adopt a Parliamentary Authority and to establish supplemental rules of procedure for the conduct of meetings of the Board of County Commissioners where such rules are not inconsistent with the laws of the State of Nevada.

ARTICLE III – PARLIAMENTARY AUTHORITY

Where consistent with state law and not otherwise provided in these Rules of Procedure, the conduct of the meetings of the Board of County Commissioners shall be governed by the most recent edition of Robert’s Rules of Order.

ARTICLE IV – MEMBERSHIP

- A. The Board shall consist of the elected County Commissioners for the County of Clark.
- B. The County Commissioners shall biennially, at their first meeting in January after an election year, elect one of their number as Chair of the Board, who shall act as presiding officer at meetings of the Board, and one of their number as Vice-Chair of the Board, who shall act during the absence or disability of the Chair. These presiding officers will serve for a term of two years.
- C. The County Commissioners shall annually at their first meeting in January, elect from their number: a

Chair and a Vice-Chair of the University Medical Center of Southern Nevada (UMC) Board of Trustees; a Chair and Vice-Chair of the Clark County Water Reclamation District Board of Trustees; a Chair and Vice-Chair of the Kyle Canyon Water District Board of Trustees; a President and Vice-President of the Las Vegas Valley Water District Board of Directors; a Chair and Vice-Chair of the Big Bend Water District Board of Trustees; a Chair and Vice-Chair of the Liquor and Gaming Licensing Board; a Chair and Vice-Chair of the Coyote Springs Water Resources General Improvement District Board of Trustees; a Chair of the Mount Charleston Fire Protection District Board of Fire Commissioners; a Chair of the Moapa Valley Fire Protection District Board of Fire Commissioners. The Chair or President will serve as the presiding officer at each meeting of the respective board. The Vice-Chair or Vice-President shall preside at the respective board meetings in the absence or disability of the Chair or President.

- D. Normally business will be conducted with the seven members serving in their capacity as the Board of County Commissioners. However, the Board may consider the establishment of any committees. Requests for the establishment of a committee of the whole will be submitted to the County Manager for inclusion on the County agenda. Officers for committees of the whole shall be elected upon creation of the committee and at such times thereafter as set forth in the proposal that was adopted creating the committee.

Action by any committee of the whole is not final, but can be sent to the Board of County Commissioners as a recommendation. Such recommendation is to be sent to the County Manager for calendaring before the Board.

ARTICLE V – MEETINGS

- A. All sessions of the Board shall be open and public, and all persons shall be permitted to attend any public meeting of the Board. A member of the general public may speak on any Public Hearing item or during the Public Comment Sessions once he/she has received recognition and the consent of the Chair of the Board. Public Comment on any action item other than a Public Hearing will be taken prior to or concurrent with that item, at the discretion of the Board and in accordance with the Open Meeting Law. A citizen will be asked to fill out a card with his/her name and address for the record, and the number of the agenda item on which he/she may wish to speak, to assist with the orderly conduct of the public comment portion of the meeting, but filling out a card is not a prerequisite to the ability of a member of the public to speak on an item. Persons filling out comment cards may be called before other public speakers. If any member of the Board wishes to extend the length of a presentation this may be done by the Chair, or the Board by majority vote.

Any meeting held by the Board must comply with the provisions of the Nevada Open Meeting Law, Chapter 241 of the Nevada Revised Statutes.

- B. Special meetings may be called by the Chair, the Vice-Chair in the absence of the Chair from the County or by the written call of a majority of the Board.
 - 1. In addition to posting an agenda in accordance with Article VI, the Clerk of the Board shall give written notice of each special meeting to each member of the Board by personal delivery of the notice of the special meeting to each member at least three days before the meeting or by mailing the notice to each member's place of residence in the County by deposit in the United States mail, postage pre-paid, at least four days before the meeting.
 - 2. This notice shall specify the time place and purpose of the meeting. If all of the members of the Board are present at a special meeting, lack of notice shall not invalidate the proceedings.
- C. A majority of the Board shall form a quorum for the transaction of business.

ARTICLE VI – AGENDA

- A. The agenda shall be prepared by the County Manager along with items directed for action at an earlier Board meeting with the first item following the opening ceremonies being the consideration of any tabled and/or reconsideration items. The second will be approval of the minutes and the third item will be the approval of the agenda.

Under this heading, additional items may be placed on the agenda, provided said items are emergency items, and shall be approved by the Board prior to any official consideration thereon of said matters.

- B. An emergency item pertains to an item concerning some unforeseen circumstance which requires immediate action and includes, but is not limited to:
 - 1. Disasters caused by fire, flood, earthquake or other natural causes; or
 - 2. Any impairment of health and safety of the public.

- C. Should it be desired to transact business out of the agenda order or to waive any of these rules of procedure for any agenda item, passage of a motion to suspend the rules shall be required.

- D. All business for consideration shall be included on the approved agenda. The Chair shall rule as "Out of Order" the consideration of any matter not on the agenda. This, however, shall not preclude a request by a commissioner for the preparation of future agenda items or discussion of a matter raised during the public comment session. However, no vote may be taken on such matter at that time. The requested item must be placed on a future agenda within 30 days unless otherwise directed by the Board.

- E. All matters to be considered by the Board at any regular meeting shall be submitted to the County

Manager so that he/she may calendar the item for consideration in conformance with the procedures established by the Nevada Open Meeting Law and the administrative guideline prepared on the subject. Commissioner requested items shall be handled in the following manner:

1. Prior to placing a Commissioner requested agenda item before the Board for action, an item to discuss the Commissioner request must first be placed on a regularly scheduled Board meeting agenda. The purpose of the discussion item is to provide other Commissioners with an opportunity to consider the request and potential costs associated with the proposal, and share their thoughts on the proposed item before proceeding with an item to be brought back to the Board for action at a later date. All draft ordinances will be shared with the entire Board at least two weeks prior to the proposed ordinance introduction. A resolution placed on the agenda by a Commissioner should not be general in nature and must be limited to matters within the immediate jurisdiction and powers of the Board of County Commissioners. A resolution may be placed on the agenda for action without a discussion item on a preceding agenda if the resolution is time sensitive and could not, with the exercise of reasonable care, have been included as a discussion item on an earlier agenda. If backup information is available for a commissioner item, it shall be provided to the

County Manager for posting on the County's website.

2. Commissioner requests for agreements or ordinances shall also be submitted to the District Attorney's Office for review. Review of Commissioner submittals shall take precedence over other pending items. The District Attorney's Office shall have 30 days to recommend, not recommend, or make suggested changes to a document. Failure of the District Attorney's Office to take any action within 30 days of receipt of a document shall be deemed a recommendation as to the legality of the document and the item will be agendized.

F. Matters and recommendations from committees of the whole or advisory groups shall be submitted to the County Manager for consideration at the next appropriate meeting within 30 days of the Board of County Commissioners.

G. Notices of the meetings of the Board of County Commissioners shall be posted in accordance with the Nevada Open Meeting Law.

ARTICLE VII – VOTING

A. The Chair of the Board shall have the same right as any other Board member to initiate a motion, question, or debate, and vote on a motion.

- B. Seconding of any motion shall not be required, except where necessitated by law.

- C. All voting procedures shall be in accordance with Parliamentary Authority with the added provision that where a roll call is taken by use of an electronic voting device the following procedure shall be followed:
 - 1. The Chair, upon a motion by any Commissioner, shall call for the members to record their vote. (Any member may request that the motion be restated for the record.)

 - 2. The Chair will then direct the Clerk to display the vote.

- D. Any action taken by the Board shall be in accordance with the following procedures:
 - 1. MOTION TO LAY ON THE TABLE - Any main motion or amendment to a motion may be laid on the table. This motion is intended to lay a pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed. During the same meeting at which the motion is laid on the table, or at any future time, a Commissioner may request the County Manager to place the tabled item back on a future agenda.

If considered at a future meeting, the County Manager will ask the Board if it wishes to call the item from the table prior to the “Approval of the Agenda.” A majority affirmative vote will be required in order to hear the previously tabled item as part of the agenda.

A motion to table takes precedence over the main motion. A motion to lay on the table is not debatable, is not amendable, may not be superseded by another motion, and requires a majority vote.

2. MOTION TO HOLD – A pending item may be held for consideration to a later time, either during that meeting, or a subsequent meeting, or for some indefinite time period. Items held for an indefinite time period may be brought back before the Board by the County Manager or at the request of a Commissioner.

A motion to hold takes precedence over the main motion. The holding motion is debatable, is amendable (for time and place), may not be superseded by another motion, and requires a majority vote.

3. MOTION TO AMEND A MOTION – A pending main motion may be interrupted with a motion to amend. Such amending motion cannot change the intent of the main motion, unless the desired change is accepted by the maker of the main motion. When the intent of the amending motion is questionable, it shall be ruled on by the Chair pursuant to Roberts Rules of Order.

The motion to amend takes precedence over the pending main motion, is debatable, is amendable, can be superseded by motions to table, hold or refer to committee, and requires a majority vote. If not superseded, the motion to amend is voted on. Subsequently, the main motion is retaken either in its original or amended form, depending on the outcome of the amending vote.

4. MOTION TO CALL FOR THE QUESTION - This motion calls for an immediate vote on the pending motion. A motion to call for the question takes precedence over the main (pending) motion, is not debatable, is not amendable, can only be superseded by a motion to table, and requires a majority vote.
5. MOTION TO REFER - This motion is used to send a pending item to a group or committee of selected persons (such as citizens, staff, or members of the Board) for further investigation and review. A motion to refer takes precedence over a main motion, is debatable, is amendable, may be superseded by motions to table, hold, or amend, and requires a majority vote.
6. POINT OF ORDER - Any member of the Board may raise a point of order if he/she perceives a breach of the Board's procedural rules and insists on the enforcement of the rule by the Chair. A point of order takes precedence over any main motion, is not debatable, is not amendable, may be superseded by a motion to table the item over

which the point was raised, and is ruled on immediately by the Chair.

7. APPEAL OF CHAIR'S RULING - If a member of the Board disagrees with a ruling by the Chair, he/she may appeal that ruling by making a motion to overrule the Chair's ruling. If the motion to appeal the ruling passes, the maker of the motion must propose what he/she thinks the appropriate rule should be. The Chair will then rule on the proposal. If the Chair's ruling does not support the proposal, then any member of the Board may call for a vote on the proposal. An Appeal of the Chair's Ruling takes precedence over main motions or other rulings, is not debatable, is not amendable, and can only be superseded by a motion to table the whole matter.

8. POINT OF INFORMATION - This is a request by a Board member, directed at the Chair or appropriate individual for information relevant to the pending item. A point of information takes precedence over a main motion, is not debatable, is not amendable, is not superseded by other motions, and is ruled on for appropriateness by the Chair.

9. ABSTENTIONS – Abstentions, disclosures and voting shall be followed as directed by NRS 281A. If a member abstains due to a provision in the Nevada Ethics in Government Law, the necessary quorum and vote required to act on the motion will be reduced as though the member abstaining were not a member of the Board.

10. FAILURE OF AFFIRMATIVE MOTION – The failure of a motion calling for affirmative action is not the equivalent of the passage of a motion calling for the opposite negative action. The failure of such an affirmative motion constitutes no action.
11. FAILURE OF NEGATIVE MOTION – The failure of a motion calling for negative action is not the equivalent of the passage of a motion calling for the opposite affirmative action. The failure of such a negative motion constitutes no action.
12. RECONSIDERATION - A motion for reconsideration of an original main motion must be made by a Commissioner voting on a prevailing side of the matter or motion to be reconsidered. A request to have a matter placed back on a subsequent agenda may not be reconsidered at the same meeting but must be made at the Board's next regular meeting, unless otherwise provided by State law or County Code provision. A motion to reconsider may not be made on a contract or award after the official notice to proceed or notice of award has been issued. A motion to reconsider requires a second and is debatable.

A majority vote in favor of reconsidering the vote on a subject or motion shall automatically cancel the previous vote on that subject or motion and reopen the subject or motion for discussion and another vote. The procedures of regular business shall be in order (i.e., Hold, Refer to a Committee, Table, etc.)

When a Board member voting on the prevailing side requests the County Manager to place an item for reconsideration on the subsequent agenda, that Board member should specify his/her intent as to when the item itself should be heard if the Board approves this request to reconsider it. In any event, the main motion must be considered not later than 30 days from the vote to reconsider, unless otherwise provided by State law or County Code. Once reconsidered, the motion may not be considered again for a period of at least one year, unless otherwise provided by State law or County Code.

The County Manager shall request that motions for reconsideration be considered prior to the "Approval of the Agenda." If the motion to reconsider is approved and the item is to be heard at that same meeting, the item will be included in that day's business upon "Approval of the Agenda."

For any zoning or land use application, amendment, or map whereby final action is decided by the Board, any member of the Board who voted in favor of the motion which carried may request that the application, amendment, or map be reconsidered in accordance with County Code.

13. MOTION TO INDEFINITELY POSTPONE - Motion to indefinitely postpone needs a second motion. It is debatable and not amendable. A motion to indefinitely postpone requires a majority vote.

14. TIE VOTES -.

- a. A motion requiring a majority vote fails if a tie vote results. The failure of a motion calling for affirmative action has the same effect whether or not the failure is the result of a tie vote or a majority voting against the motion. Likewise, the failure of a motion calling for negative action has the same effect whether or not the failure is the result of a tie vote or a majority voting against the motion.

In the event, however, that a tie vote occurs when only a majority of the members is present at the meeting of the Board, the vote shall be retaken at the next subsequent meeting of the Board.

ARTICLE VIII - MISCELLANEOUS

- A. Once the Board meeting begins, members of the Board should refrain from engaging in private discussion with any non-staff member of the audience regarding any item before the Board.
- B. For matters on the Board's Zoning Agenda, once the Public Hearing is closed and an item is turned over to the Board for discussion, the Commissioner in whose district the

item is located shall have the first opportunity to speak.

ARTICLE IX - AMENDMENTS

Amendments to the Rules of Procedure may be proposed at any regular meeting and voted upon at any succeeding meeting, provided that at least a majority affirmative votes of the membership shall be required for adoption of such amendment.

Amendments to the Rules of Procedure may be proposed at any regular meeting and voted upon at any succeeding meeting, provided that at least a majority affirmative votes of the membership shall be required for adoption of such amendment.

APPROVED, AMENDED, and ADOPTED this 18th day of December, 2018.

CLARK COUNTY BOARD OF COMMISSIONERS:

By: MARILYN K. KIRKPATRICK, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk