

TITLE 2: BOARDS AND COMMISSIONS

CHAPTER 1: PLANNING COMMISSION

2.01.01: ESTABLISHMENT: The Planning Commission (“the Commission”) is hereby established, pursuant to NRS 268.110 and 278.030 *et seq.*

2.01.02: MEMBERSHIP AND GUIDELINES FOR APPOINTMENT: Pursuant to NRS 268.120, the Commission shall consist of the mayor, the city attorney, the city engineer, *ex officio*, and seven other members to be appointed by the mayor, not more than 2 of whom shall be nonresidents of the city. The mayor shall appoint the seven members with the advice and consent of the Council, and fill any vacancies, subject to the following guidelines:

(A) While not strictly limited to wards, precincts or other political districts, the members should be chosen with geographical diversity in mind. They should represent the city as a whole, but may be selected from different portions of the city and (as limited by NRS 268.120) from the unincorporated lands surrounded by the city, to help assure proper consideration of the entire area.

(B) Although no specific education, background or employment is required, the Commission should represent diverse interests throughout the city. No one occupation, field or industry should be over-represented or allowed to dominate the Commission.

(C) Pursuant to NRS 278.040, no city or county official or employee shall hold a position on the Commission. While there is no specific prohibition of any other public officer or governmental agent or employee holding a position on the Commission, the nature of that office and its potential for undue influence and conflicts of interest should be carefully reviewed in the consideration of such an official as a candidate for the Commission.

2.01.03: TERMS OF OFFICE: The Commissioners’ terms shall be staggered four (4) year terms, as provided in NRS 268.120(2).

2.01.04: REMOVAL: Pursuant to NRS 278.040, a Commission member may be removed, after public hearing, by a majority vote of the City Council for just cause.

2.01.05: COMPENSATION AND EXPENSES: The Council may provide by resolution for compensation, expenses and subsistence allowances to the Commission members, subject to the limitations of NRS 278.040.

2.01.06: REGULATIONS: The Commission may adopt bylaws, rules or regulations for its operations, subject to approval by the City Council. (ORD 2001-0008)

CHAPTER 2: ARTS AND CULTURE COMMISSION

~~2.02.01: COMMISSION ESTABLISHED — MEMBERSHIP:~~

~~(A) The Fernley Arts & Culture Commission, consisting of five seven members appointed by the Mayor and confirmed by the vote of a majority of the members of the City Council, is established. The term of office shall be three years. Commission members shall be selected for staggered terms. Three Commissioners or their successors will serve a one, two or the full three-year term based on the position. All subsequent appointments shall be for three years, or for the duration of an unexpired term in the case of an appointment to a vacancy. All Commission members' terms shall expire on June 30th and all successive terms shall commence on July 1st. No member shall serve more than two consecutive full terms of office.(revised ORD 2010-001)~~

~~(B) Commission members shall be appointed upon the basis of demonstrated interest in, and knowledge and support of the arts. Members shall serve without salary or other compensation, provided that members shall be reimbursed for necessary expenses actually incurred with prior Administrative approval. One commissioner may be selected from the Community-at-large. Four commissioners shall reside or work within the city limits at the time of appointment and throughout their terms of office. A Commission member may be removed, after public hearing by a majority vote of the City Council for just cause.~~

~~(C) Prior to appointing initial members and filling each vacancy in the membership of the commission, public notice of available positions shall be provided to the news media at least two weeks in advance of appointment. Applicants for vacant positions shall apply to the office of the Mayor.~~

~~2.02.02: RULES OF PROCEDURE: The commission shall adopt procedural rules governing the transaction of its business, subject to the approval by the City Council. The rules shall include provisions for the date, time and place of regular meetings of the commission. Provisions shall be made for maintaining minutes of commission meetings and records of all commission reports, conclusions and recommendations. The rules of procedure shall provide for the election of commission officers, which shall include a chairperson and vice chairperson who shall serve for at least one year. The rules of the commission shall provide that all commission meetings shall be open to the public and that notice of meetings shall comply with the Nevada Open Meeting Act, to the extent proceedings of the commission are governed by such Act. The procedures shall address receipt and processing of citizen proposals and requests.~~

~~2.02.03: AUTHORITY OF COMMISSION: The Arts Commission is authorized to take the following actions:~~

- ~~(A) On behalf of the city, to encourage, conduct, sponsor or cosponsor public programs to further the development and public awareness of, and interest in, the fine and performing arts;~~
- ~~(B) To provide recommendations to the Mayor and City Council in connection with cultural and artistic endeavors and projects in which the city becomes involved and to act as a representative of the community in such matters;~~
- ~~(C) To encourage donations, grants and other support to further expand the arts and cultural services and programs available to citizens of Fernley and members of the Fernley community;~~
- ~~(D) To review and make recommendations to the City Council with respect to all public and private banner proposals that utilize City of Fernley graphics.~~
- ~~(E) To take such other actions as the City Council may direct from time to time.~~

~~2.02.04: MEETINGS AND STAFF SERVICES:~~

- ~~(A) The Arts & Culture Commission shall meet regularly at least once per quarter at a date, time and place to be established by the commission. Commission meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public upon approval of the minutes by the commission.~~
- ~~(B) The City Manager's Office shall be responsible for providing administrative and staff services for the commission and may assign City Clerk and Park's department staff to provide services to the commission.~~
- ~~(C) The commission shall make a report to the City Council at least annually.~~

~~2.02.05: BUDGET: Arts & Culture Commission programs and operating expenses shall be funded from the city General Fund, grants, donations and admission charges. The City Manager's Office shall be responsible for submitting the annual operating budget to the City Treasurer, Mayor and City Council. (ORD 2007-006)~~

~~2.02.06: DISSOLUTION OF THE ARTS AND CULTURE COMMISSION: The City of Fernley Arts and Culture Commission shall be dissolved as an official City of Fernley Commission. The former members of the City of Fernley Arts and Culture Commission, or any other residents of the City, may continue to promote arts and culture within the City of Fernley as an independent organization without City oversight, staff support or financial support. Any organization established to encourage the promotion of arts and culture within the City shall enjoy the same benefits accorded to any other organization within the City. (ORD 2011-006)~~

CHAPTER 3: CHALLENGING A MEMBER OR MEMBERS OF A BOARD FOR BIAS OR PREJUDICE WHEN ACTING IN A QUASI-ADJUDICATIVE CAPACITY

2.03.01 PROPERTY DEFINED: As used in this ordinance, the term “property” means any interest, right or entitlement, the deprivation or denial of which, by the government, is limited by one or more significant substantive restrictions on the decision to deprive or deny the person having or seeking the interest, right or entitlement.

2.03.02 PARTIES, STANDING: Any person appearing as a party before any public body conducting a hearing which may cause the party to be deprived of property and who believes that one or more members of the body bear actual bias or prejudice towards the person or that the member’s pecuniary or personal interest in the outcome of the hearing creates an appearance of partiality may challenge the participation of the partial, biased or prejudiced member or members in the hearing.

2.03.03 TIME FOR HEARING: The challenge shall be made at least two (2) working days before the date set for the hearing. If the facts upon which disqualification of a member is sought are not known to the party at the time the challenge must be filed then the challenge must be made prior to the commencement of the hearing.

2.03.04 AFFIDAVIT OF FACTS SUPPORTING CHALLENGE: The challenge must be made by filing an affidavit signed under penalty of perjury specifying the facts upon which the disqualification is sought with the City Manager. The City Manager shall forthwith deliver a copy of the affidavit to the challenged member or members.

2.03.05 CHALLENGED MEMBER’S RIGHTS: The challenged member or members may choose not to participate in the hearing or may deliver a written answer to the City Manager. If the challenged member chooses not to participate in the hearing because of the member’s personal or pecuniary interest in the outcome of the hearing or because he has received a gift or loan regarding the subject matter of the hearing, then the member shall provide the disclosure required by NRS 281.501(4).

2.03.06 TIME TO ANSWER CHALLENGE: The answer of the person challenged must be delivered within two (2) working days of the challenge. The answer must admit or deny the allegations set forth in the challenge and set forth any additional facts which bear on the question of the member or members disqualification.

2.03.07 HEARING OFFICER, DETERMINATION: If an answer is delivered, the question of the member’s or members’ disqualification shall be determined by a

hearing officer appointed by the Mayor. If the Mayor is the challenged member, then the appointment of a hearing officer shall be made by the highest ranking member of the public body not challenged. The appointment of the hearing officer must be made within two (2) working days of the delivery of the answer to the City Manager.

2.03.08 HEARING OFFICER, DECISION: The hearing officer shall forthwith hear the evidence and witnesses for and against the disqualification of the member or members and make his decision at the close of the hearing. The burden is upon the person challenging the member or members of the public body to overcome a presumption of honesty and integrity on the part of the in order to obtain the disqualification of the member or members.

2.03.09 PARTICIPATION OF CHALLENGED MEMBER: If the decision of the hearing officer is that the member or members are disqualified from participating in the hearing, then (s)he or they shall not participate in the hearing except as any other member of the public is entitled to participate in the hearing. (ORD 2007-007)

CHAPTER 4: FERNLEY CONVENTION AND TOURISM AUTHORITY

2.04.01: CITY OF FERNLEY CONVENTION AND TOURISM AUTHORITY BOARD ESTABLISHED

(A) The City of Fernley Convention and Tourism Authority Board, consisting of the voting members of Fernley City Council is established. The term of office shall coincide with the term of office of the City Council members.

2.04.02: RULES OF PROCEDURE: The City Council shall adopt procedural rules governing the transaction of its business and for disbursement of funds collected by the City of Fernley Transient Lodging Tax. The rules of procedure shall include provisions for the date, time and place of regular meetings for the City Council to convene as the Board. Provisions shall be made for maintaining minutes of Board meetings and records of all Board reports, conclusions and recommendations. The rules of procedure shall provide for the appointment of Board officers, which shall include chairperson and vice chairperson. The rules of procedure the Board shall provide that all Board meetings shall be open to the public and that notice of meetings shall comply with the Nevada Open Meeting Act, to the extent proceedings of the Board are governed by such Act. The rules of procedure shall address receipt and processing of citizen proposals and requests.

2.04.03: CITY OF FERNLEY CONVENTION AND TOURISM AUTHORITY BOARD. The City Council sitting as the City of Fernley Convention and Tourism Authority Board is authorized to take the following actions:

- (A) On behalf of the City, encourage, conduct, sponsor or cosponsor programs to encourage tourism and economic development;
- (B) To analyze the viability, feasibility and appropriateness of funding requests from applicants for funds from the City or sponsorship by the City for activities to encourage tourism within the City.
- (C) Allowable uses for the requests for funds from the City Council sitting as the City of Fernley Convention and Tourism Authority Board by outside agencies shall be considered and used for:
 - (1) Advertising the resources of the City of Fernley;
 - (2) Advertising available accommodations (hotels, motels, restaurants, etc.) within the City of Fernley;
 - (3) Advertising available transportation (bus, air, etc.);
 - (4) Advertising special events;
 - (5) Advertising natural resources and climate; and
 - (6) Reimbursements of budgeted expenses for special events, which have been approved by the Board.
- (D) Left over funds remaining at the end of the calendar year shall transfer to:
 - (1) Next calendar year for the next grant cycle; or

(2) Roll-Over to the Convention/Civic Center Fund

(E) To take such other actions as the City Council may direct from time to time.

2.04.04. MEETINGS AND STAFF SERVICES.

(A) The City Council sitting as City of Fernley Convention and Tourism Authority Board shall meet regularly, at least semi-annually with the date, time and place of regular meetings to be determined. Board meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public upon approval of the minutes by the Board.

(B) The City Manager's Office shall be responsible for providing administrative and staff services for the Board and may assign the City Clerk to provide support services.

(C) The City Manager or his designee shall make a report to the City Council sitting as City of Fernley Convention and Tourism Authority Board annually during the budget process. The report shall include:

- (1) Amount of funds generated by the Transient Lodging Tax;
- (2) Number and type of grant applications received by the FCTA Board;
- (3) Grant recipients information including, but not limited to, the name of event, grant amount, purpose(s) of grant, success of event (approximate number of attendees, room nights generated by event);
- (4) A list of potential projects, studies or initiatives which the City Council sitting as City of Fernley Convention and Tourism Authority Board may consider during the coming fiscal year and which may require staff assistance to undertake and complete along with a justification for each;
- (5) Status of City of Fernley Convention/Civic Center.

(D) The City Manager or his designee shall process the applications for fund disbursement to outside agencies. The Finance Director shall distribute funds pursuant to policy upon award of funds by the Board.

2.04.05 BUDGET

(A) City of Fernley Convention and Tourism Authority Board programs and operating expenses shall be funded from the City's Special Revenue Fund generated by the Transient Lodging Tax, grants, donations and admission charges. The City Manager's Office shall be responsible for submitting the annual operating budget to the City Treasurer, Mayor and City Council.

(B) Disbursement of Funds. Disbursement of funds to outside agencies shall not exceed fifty per cent (50%) of the revenue generated by the Transient Lodging Tax.

(C) Convention/Civic Center: At least fifty per cent (50%) of the funds generated by the Transient Lodging Tax will be used for the construction, operation and maintenance of the City of Fernley Convention/Civic Center.

(D) The distribution of funds and allowed uses of funds generated by the Transient Lodging Tax may be amended by Resolution of the City Council. (ORD2011-005)