Conservation District Leadership Development 3.0 Workshop

Speaker Biographies and Presentation Materials

November 14, 2016

Desert Living Center Lower Level Conference Room A
Las Vegas Springs Preserve
333 S Valley View Boulevard
Las Vegas, NV  89107

University Center for Economic Development – Nevada Leadership Program
http://www.unr.edu/business/research-and-outreach/nevada-leadership
Speaker Biographies

Michael Harper, FAICP

Mike Harper, FAICP, is retired from a 32+ year local government planning career, primarily as a department director and program manager with Washoe County, NV. During his professional career, he managed both current planning and long range planning efforts for the county. His professional organization leadership positions have been with American Planning Association; American Institute of Certified Planners; American Society for Public Administration; National Association of County Planners; and Western Planning Resources, Inc. For over 30 years he was involved with Lake Tahoe as chair of the Tahoe Regional Planning Agency's advisory planning commission, chair of the Tahoe Transportation District and Commission, Chair of the State of Nevada commission on the purchase of land in the Lake Tahoe Basin; and as Washoe County's permanent alternate on the Tahoe Regional Planning Agency's Governing Board. As a trainer/teacher he has presented at the Rocky Mountain Land Use Institute's annual conference, Nevada Chapter of the American Planning Association's annual conference, the American Planning Association's national conference, Western Planning Resource's annual conference, at U.S. Forest Service forums on the national forest service's planning policy; and as faculty of the National Business Institute and the University of Nevada, Reno. Mike presently serves on Washoe County's design review committee and as the treasurer of 3 planning organizations. He has a Bachelor of Arts in history and the first Master of Public Administration from the University of Nevada, Reno.

Madelyn Shipman, J.D.

Madelyn Shipman has practiced law in northern Nevada since she moved here from Minnesota in 1982. Currently employed part-time at Laxalt & Nomura, Ltd., she retired from full-time public law practice in January 2005. Prior to her retirement, she was Assistant District Attorney and chief civil counsel to the Washoe County Commission. She has appeared before the 2nd Judicial District Court, the Nevada Supreme Court, the various Nevada federal courts and the 9th Circuit Court of Appeals in her various roles as counsel to the Nevada Department of Transportation, the City of Reno and Washoe County. She received her B.A. degree from The American University, Washington, D.C., and her J.D. degree from Hamline University College of Law in St. Paul, Minnesota. She is a Settlement Judge and Foreclosure Mediator for the Nevada Supreme Court, certified as an arbitrator by the First, Second and Ninth Judicial District Courts and is legal counsel currently for the Sun Valley General Improvement District.
Speaker Biographies

Frederick Steinmann, DPPD

Frederick Steinmann currently works for the University of Nevada, Reno and the University Center for Economic Development. He began his professional economic development career with the Reno Redevelopment Agency in the City of Reno, Nevada. Since then, he has worked for the Nevada Small Business Development Center, Bureau of Business and Economic Research, and for the Carson Economic Development Services Department in the City of Carson, California. Frederick has also worked as a Senior Associate for David Paul Rosen & Associates, one of the elite economic development and public policy consulting firms in California. Frederick earned his Doctorate in Policy, Planning, and Development, with areas of study including economic development, public policy, public finance, and real estate development, from the University of Southern California with the successful defense of his dissertation titled, “The Twilight of the Local Redevelopment Era: The Past, Present, and Future of Urban Revitalization and Urban Economic Development in Nevada and California.” He also earned a Bachelor’s of Science and Masters of Science in Economics from the University of Nevada, Reno.
The University of Nevada, Reno, the University of Nevada, Reno College of Business, and the University Center for Economic Development would like to thank the Nevada Chapter of the American Planning Association for their generous support of this leadership development program and the Nevada Leadership Program.

For more information about the Nevada Chapter of the American Planning Association, including information about how to join, please visit their website:

http://www.nvapa.org/
Further Support of this leadership development program was provided by the Nevada Association of Conservation Districts and the Nevada Department of Conservation and Natural Resources. The University of Nevada, Reno, the University of Nevada, Reno College of Business, and the University Center for Economic Development would like to further thank the Nevada Association of Conservation Districts and Nevada Department of Conservation and Natural Resources for their support of this leadership development program and the Nevada Leadership Program.

http://dcnr.nv.gov/

Conservation District Program:

http://dcnr.nv.gov/conservation-district-program/
Presentation Materials
Welcome!
Nevada Leadership Program
Conservation District Leadership Development 3.0 Workshop
November 14, 2016

Objectives
The Nevada Leadership Program:

– Main Objective: To create a pool of qualified officials as the difficulty of challenges in Nevada grow; officials who understand the ins-and-outs of government Management and Administration.

– Secondary Objective: To reduce conflict between staff and elected/appointed officials over procedural matters pertaining to government Management and Administration.

Objectives
The Conservation District Leadership Development Program:

– To enhance the effectiveness of conservation efforts throughout Nevada through leadership and administrative skill development.

– To raise awareness of the important role conservation districts play in natural resource and land management in Nevada.

– To enhance the collaboration between local conservation districts and federal, state, and local entities.
Our First Exercise

What is Leadership?

- As an *individual*, write down an answer to this question on the index card provided on your table. Think about qualities, responsibilities, activities, etc.

- As a *group*, and using your individual answers, write a single sentence on the flipcharts provided for your group.

- As a *class*, we will discuss and share our answers.

The Agenda

An exploration of thoughts and skills associated with leadership and the administration of conservation districts in Nevada:

1. History of the Conservation Movement and an Introduction to NRS Chapter 548 and SB 486.
2. Powers and Responsibilities of Local Conservation Districts.
4. An Introduction to the Principles of Land Use Planning as it Pertains to Conservation.
A History of the Conservation Movement

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Early Conservation Efforts in the United States

- Gifford Pinchot (Late 19th Century), 1st Chief of the US Forest Service:
  - Development
  - Conservation
  - Protection of the Public Interests

- Forest Reserve Act (1891) and Transfer Act (1905)
  - Within USDA...Division of Forestry to Bureau of Forestry to the US Forest Service

- Antiquities Act (1906)
  - National Parks Service (1916)
  - US Fish and Wildlife Service (1940)

- Weeks Act (1911)
  - “Examine, locate and recommend for purchase...such lands within the watersheds of navigable streams as...may be necessary to the regulation of flow of navigable streams...”
  - The Act further allowed for lands so acquired to be preserved and maintained as national forests.

An Apocalypse of Biblical Proportions
The Dust Bowl – It Sucked…

- Average price of corn at central markets fell from $0.77 to $0.19 per bushel in just three years.
- Average price of wheat dropped from $1.08 to $0.33 per bushel in just three years.
- Between 1929 and 1932, average prices received by farmers fell 56.0%.
- 1932: 52.0% of all farm debts and 45.0% of all farm debtors were in default.
- Farm foreclosures: 14.9 per thousand farms in 1929; 18.0 per thousand farms in 1930; 27.8 per thousand farms in 1931; 38.1 per thousand farms in 1932.

The Dust Bowl – Why did it suck?

- Homestead Act (1862), end of the American Civil War (1865), First Transcontinental Railroad (1869)
  - Mass migration into the ‘American Heartland’
  - Employment of European-style agricultural practices that worked well on the American east and west coasts.
- Morrill Act (1862) and the Hatch Act (1887)
  - Directed federal funding and assistance to state agricultural experiment stations.
- Homestead Act (1862): 160 acres offered.
- Kinkaid Act (1904): 640 acres offered in Nebraska.

Beyond Agriculture…

- Timber-Culture Act (1873): made 160 acres of federally owned land in mostly arid regions available to any individual willing to plant trees on at least 40 of the 160 acres.
- Desert Land Act (1877): any individual could purchase up to 640 acres of federally owned land at $1.25 an acre if the purchaser agreed to irrigate the land within three years.
- Timber and Stone Act (1878): NV, CA, OR, WA…purchase federally owned timber and stone lands for $2.50 an acre.
- Timber-Cutting Act (1878): existing residents could cut trees on federally owned lands if the timber cultivation led to agricultural, mining, or domestic building purposes.
Beginnings of the Contemporary Conservation Era

- Agricultural Marketing Act (1929) and the Federal Farm Board; "Stabilization Corporations" (Ooops!)
- Agricultural Adjustment Act (1933); "Acreage Allotment"
  - United States v. Butler (1935)
  - Basing allotments on the need for soil conservation.
- Soil Conservation Act (1935)
  - Sought to "control floods, prevent impairment of reservoirs and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment."
  - Farm subsidies to encourage the planting of native grasses and trees or raise vegetables rather than commercial crops that depleted soil nutrients.
- Soil Conservation and Domestic Allocation Act (1936)
  - "An Act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes."
  - Soil erosion levels had declined by approx. 22.0% by 1940.

Conservation Efforts in the 21st Century

- National Environmental Policy Act (1969) – difficult to separate 'conservation' from the larger world of environmental policy.
- Sustainable Economic Development – Balancing Economic Growth with Environmental Protection...Environment, Social, and Economic:
  - Climate Change
  - Water Conservation (Drought and Fresh Water Availability)
  - Education of the Public
  - Economic Growth (Recession of 2001; Great Recession of 2008/2009)
- Collaborative role of individuals, grassroots organizations, nongovernmental organizations, educational institutions; national, state, and local government agencies and entities.

NRS Chapter 548 (1937, 1973) Conservation

- NRS 548.095, Declaration of Legislative Policy:
  Conditions
  - That the renewable resources of the State of Nevada are basic assets.
  - That they are being affected by the ever-increasing demands of farm and ranch operations and by changes in land use form agricultural to nonagricultural uses...
  - That conservation, protection, and controlled development of these renewable natural resources are necessary...
NRS Chapter 548 (1937, 1973) Conservation

- NRS 548.100, Declaration of Legislative Policy: **Consequences**
  - …that the consequences of failing to plan for and accomplish the conservation and controlled development of the renewable resources of the State of Nevada are to handicap economic development and cause degeneration of environmental conditions…

- NRS 548.105, Declaration of Legislative Policy: **Appropriate Corrective Measures**
  - …that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of natural resources…

NRS Chapter 548 (1937, 1973) Conservation

- NRS 548.110, Declaration of Legislative Policy: **Conservation and Control**
  - …the policy of the Legislature to recognize the ever-increasing demands on the renewable natural resources of the State and the need to conserve, protect and develop such resources at such levels of quality as will meet the needs of the people of the State.

- NRS 548.115 through 548.180, State Conservation Commission

- NRS 548.185 through 548.245, Conservation Districts
  - Today, 28 active Conservation Districts managing approximately 70.1 million acres of land in Nevada.

Nevada Senate Bill 476 (2015)
Passed by the 75th Session of the Nevada State Legislature

An act amending Nevada Revised Statute Chapter 548
Nevada SB 476 (2015)

Five Primary Functions:

1. Permits local conservation districts to use a new funding mechanism:
   - Annual fee of up to $25 per parcel on land within the conservation district's boundaries.
   - A petition must be brought forth to the appropriate Board of County Commissioners who coordinates the future general election, special election or mail-in election to be considered by voters.
   - Any fee initially considered by the local conservation district Board of Supervisors must be approved by the voters of the district.
   - The fee cannot be imposed on property owners within the local conservation district without the proposed fee being approved by voters (impacted property owners) in a future general election special election or mail-in election.

2. Clarifies that local conservation districts in Nevada have the special expertise to participate as a cooperating agency through the National Environmental Policy Act and recognizes the ability of local conservation districts to coordinate as a local government under the Federal Land Policy and Management Act.

3. Clarifies the existing language in state law regarding identification of the primary federal land management and natural resource agencies local conservation districts in Nevada have historically partnered with.

4. Adds a legislative declaration to NRS 548 imploring the Legislature to consider future appropriations to local conservation districts within the state of Nevada to match the appropriations made by other state governments to local conservation districts located outside the state of Nevada (focus on comparable western states).

5. Enables local conservation districts to collaborate and work jointly with local weed districts under certain circumstances.
Powers and Responsibilities of Local Conservation Districts

- Conservation Districts as Elected and Appointed Officials.
- Local Conservation Districts and Boards of Supervisors (Organization and Powers).

The Nuts and Bolts of Conservation Districts

- NRS 548.032, “Conservation District” and “District” Defined:
  - “Conservation District” or “district” means a governmental subdivision of this State, and a public body corporate and politic…
  - Subject to Nevada’s open meeting laws.
  - Subject to Nevada’s Code of Administrative Ethics.
  - Subject to local, state, and federal election law.
- NRS 548.115 through 548.180, State Conservation Commission
- NRS 548.185 through 548.245, Conservation Districts

The State Conservation Commission

Organization:
- Two Ex Officio Members (Dean of CABNR and Director of the State Department of Agriculture, or their appointees).
- Seven Members Appointed by the Governor.
  - 2 members from each of the three areas and 1 person at large (all serve 4-year terms).
  - The NVACD submits potential appointees to the Governor for consideration.
The State Conservation Commission

NRS 548.175 General Powers and Duties:

1. Carry out the polices of the State regarding conservation of the natural resources within the State at the state-wide level.

2. To offer appropriate assistance to local Conservation Districts, including: (1) development and implementation of programs, (2) review of local district programs, (3) provide assistance in coordination of programs and resolve potential conflicts, and (4) facilitate, promote, assist, harmonize, coordinate and otherwise guide programs and activities as they relate to other special purpose districts, counties, and other public agencies.

3. Promote cooperation between local conservation districts by facilitating an interchange of advice and experience between districts.

4. To secure the cooperation of other state and federal government agencies.

5. To serve as the official state agency for cooperating with the Natural Resource Conservation Service (NRCS) of USDA in carrying out conservation operations at the local level.

6. To secure the cooperation of state, federal, interstate, local, public and private agencies with local conservation districts and to facilitate the arrangements between the local conservation district and the local county government.

7. To make local, state, and federal agencies and policymakers and the public aware of the programs and activities of local conservation districts.

8. Run point for local (including other special districts), state, and federal agencies in carrying out the provisions of the Watershed Protection and Flood Prevention Act (1954).
   - Under this Act, the Soil Conservation Service at the Department of Agriculture provides planning assistance and construction funding for projects constructed by local sponsors, often in the form of flood control districts.

9. Review of plans, programs, and activities pertaining to conservation efforts in the State developed, implemented, and administered by different local, state, and federal agencies including the plans, programs, and activities of local conservation districts.

10. If a conflict between existing or proposed plans, programs, and activities, to report such a conflict to the Director of the Nevada Department of Conservation and Natural Resources.
The State Conservation Commission

NRS 548.175 General Powers and Duties:

11. The State Conservation Commission, with written approval of the local conservation district(s) involved, may:
   • Transfer lands from one local district to another.
   • Divide a single district into two or more legally separate districts.
   • Consolidate two or more districts into a single district.

12. To authorize the change of name of any local district.

13. To apply for any available grants and to accept and use any grants, gifts, or donations to make available grants to qualified local conservation districts.

The State Conservation Commission

NRS 548.178 Establishment of Programs for Distributing Grants to Local Districts:

1. The Commission may establish programs for distributing available grants of money to local districts in the following manner:
   • Distribution of grants with funds provided by the Legislature to local districts must be made in equal amounts to each district which the Commission determines qualifies for the grant.
   • Distribution of grants provided from other sources to local districts which the Commission determines qualified for the grant.

2. A local district may qualify for a grant from the Commission if the district has demonstrated that:
   • It has been established in accordance with NRS 548.
   • It is in compliance with NRS 548 and the regulations established by the Commission.

3. A local district may use any grant from the Commission for any reasonable and necessary expenses incurred by the district.

4. The Commission may adopt any regulations it considers necessary to carry out the provisions of NRS 548.
Local Conservation Districts

District Supervisors:

- NRS 548.280: District to be Governed by Elected and Appointed Supervisors. Each district shall be governed by a board consisting of five supervisors elected at large and one or more appointed supervisors.

- NRS 548.283: Appointment of Supervisors to represent Cities and Counties. Alternates:
  - Incorporated cities get one appointed Supervisor on the local district board.
  - If multiple incorporated cities are included in the district but they cannot agree on an appointee, the Commission chooses the representative based on a list of nominees provided by the cities.
  - Each county within the local district may appoint one appointed Supervisor to the board.
  - Appointees to the local conservation district Board of Supervisors may appoint their own alternate to be approved by the district’s Board of Supervisors.

Local Conservation Districts

Powers of Districts and Supervisors (NRS 548.340 through NRS 548.400):

- NRS 548.340: A Conservation District is a Governmental Subdivision with the authority (and responsibility) to exercise Public Powers.

- NRS 548.345: Conduct surveys, investigations, and research.
  - No district shall initiate any research program except in cooperation with the government of this State or any of its agencies, or with the United States or any of its agencies.

- NRS 548.350: Conduct demonstration projects.
  - To demonstrate the means, methods, and measures by which renewable natural resources may be conserved.

- NRS 548.355: Institute preventative and control measures; repair and restore property.
  - Engineering operations, methods of cultivation, growing of vegetation, and changes in land use.
  - Lands include, but not limited to, wetlands, stream corridors, and other riparian property.

- NRS 548.360: Development, implement, and administer cooperative agreements with other local, state, and federal agencies.

- NRS 548.365: May provide agricultural and engineering machinery, fertilizer, and seeds to land owners within the local district.

- NRS 548.370: May construct, operate, improve, and maintain facilities and structures necessary in the performance of the local district.
Local Conservation Districts

Powers of Districts and Supervisors (NRS 548.340 through NRS 548.400):

- **NRS 548.375**: Development of comprehensive plans for the conservation of renewable natural resources within the district (acts, procedures, performances, and avoidance; specification of engineering operations, methods of cultivation, growing of vegetation, cropping programs, tillage practices, and changes in land use).

- **NRS 548.380**: Administration of projects; acceptance of gifts; participation in cost-sharing on federal financed projects.

- **NRS 548.393**: Acquisition and disposition of property; the power to acquire, maintain, and improve property and the use of income received from the disposal of property.

Local Conservation Districts

Regulations for Land Use:

- **NRS 548.410**: Petition, Formulation, Hearings, and Determination:
  - The local district may prepare and file a petition with the Commission to formulate land use regulations applicable to the district.
  - The Commission has authority to formulate regulations governing the use of lands within a district.
  - The Commission shall conduct public meetings and public hearings within the district(s) regarding the proposed land use regulations.

- **NRS 548.415**: Proposed Ordinances
  - The proposed land use regulations shall be embodied in a proposed ordinance (not a resolution).

Local Conservation Districts

Regulations for Land Use:

- **NRS 548.430**: Permissible Provisions:
  - Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches, and other necessary structures.
  - Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, later furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, reforestation, and reforestation.
  - Specifications of cropping programs and tillage practices to be observed.
  - Provisions requiring the retirement from cultivation of highly erosive areas or areas on which erosion may not be adequately controlled if cultivation is carried on.
  - Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district.
Local Conservation Districts

Board of Adjustment:

– **NRS 548.460**: Where the Commission shall adopt an ordinance prescribing land use regulations, they shall further provide by ordinance for the establishment of a board of adjustment.

– **NRS 548.465**: Board of Adjustment; Number and Appointment of Members.
  • Must contain 3 members appointed by the Commission.
  • After the initial appointment with staggered terms (1, 2, and 3 year appointments), appointees serve for 3 year terms.
  • Members of the Commission and local district Supervisors are ineligible to serve as members of the Board of Adjustment.

Nevada Leadership Program
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Why Hold Open Meetings?

“...together we craft for ourselves, through discourse and deliberation, conventions such as values, beliefs, and ethical norms to give meaning and order to our lives. Collective decision making in the governance process, including public administration, works best in a postmodern society when it emerges out of an inclusive conversation about how to create order and meaning in our lives together. Hence, democratic governance provides mechanisms and arenas for this social process.”

- Terry Cooper, The Responsible Administrator

Definitions (NRS 241.015)

- "Action" - A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body.
- "Meeting" - The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.
- "Public Body" - Designation of substitute to attend meeting must be authorized by ordinance approved by the local government (SB 70-2015 Legislature) in order to count towards quorum or to participate in vote.
Definitions (NRS 241.015)

• "Quorum" - means a simple majority of the constituent membership of a public body or another proportion established by law.

• "Deliberate" – to collectively examine, weigh and reflect upon reasons for or against a proposed action.

Participation by Electronic Means

• A member of a public body may participate by electronic means.

• Participation must allow the public to hear the member so participating and the member so participating to hear statements made by the public.

  - ISSUE: How is requirement met when new printed information is presented at meeting in which participating member cannot examine new material?

Meetings (NRS 241.020)

• Open: Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies.

• Noticed. Notice to include:
  - Time, place and location of meeting
  - List of locations where notice was posted
  - An agenda

• Accommodation: Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.
Meetings (continued)

Agenda must include:
- Clear and complete statement of matters to be considered.
- Use of the phrase: “for possible action”.
- Period(s) for Public Comment.
- Notifications that items may be taken out of order, may be combined, may be removed or may be delayed.
- Any restrictions on Public Comment.

Meetings (continued)

Minimum Notice Includes:
- Posting at principal office or where meeting is to be held
- Three additional prominent places
- Copies to persons requesting notice
- Email notice okay if agreed to by requestor
- Documentation required of every person who posts an agenda (SB 70 – 2015 Legislature)
  - Must be prepared by every person who posts an agenda
  - Must include
    - The date and time when the person posted the copy of the public notice;
    - The name, title and signature of the person who posted the copy of the notice;
    - The address of the location where the person posted the copy of the public notice

Meetings (continued)

- Include name and contact information of person able to provide supporting materials and locations where supporting materials may be obtained
- In counties of 45,000 or more, supporting materials to be posted on website
Meetings (continued)

- Website, if maintained, must include notice of meetings
- Free copies to requesting public
- Supporting materials to be provided to public at same time provided to public body
- May provide by email
- “Emergency”

Meetings (continued)

- AB 445 (2013) requires that all public body meeting notices be posted on the State’s website at the same time posted in local area and to persons requesting notice
- AB 445 (2013) requires such posting by public bodies to commence no later than July 1, 2014
- AB 445 (2013) requires that the State Department of Administration have the State website prepared no later than January 1, 2014.

Exceptions (NRS 241.030)

- Personnel Matters
- Prepare, administer or grade examinations
- Appeals of examinations
Exceptions (continued)

- Person subject of closed meeting may waive closed meeting

- Agenda must state statute authorizing closed session and nature of business to be considered

- Exception may not be used to:
  - Prevent removal of disruptive persons
  - Prevent removal of witnesses
  - Discuss appointments
  - Discuss member

Closed Meetings (NRS 241.033)

- Written notice to person subject of closed meeting – proof of service:
  - In person – 5 working days
  - By certified mail – 21 working days

- Must include topic to be discussed and right of person to attend and be represented.

- Chair or public body decides attendees.

- Copy of record available to subject.

- Casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

Administrative Action/Eminent Domain (NRS 241.034)

- Notice same as in NRS 241.033.

- Proof of service.

- Must be on agenda.

- Not required separate from notice per NRS 241.033.

- If eminent domain, real property must be described.
Record of Meeting (NRS 241.035)

- Minutes:
  - The “substance” of matters considered.
  - Must be approved by body at next meeting, or no later than 45 days after meeting (SB 70-2015 Legislature).
- Available within 30 days – retained for 5 years.
- May be recorded by public.
- Must tape or transcribe meeting – 1 year – available to public or AG.
- Same for closed meetings.

Statements Privileged (NRS 241.0353)

Voting (NRS 241.0355)

- Privilege applies to both member and public.
  - Privilege means that comments at public meetings cannot be construed as slanderous
- Action by Majority Vote of Entire Body.
  - In case of Conservation Districts, the quorum consists of all Board members – elected and appointed (Legal counsel opinion)
- Abstention not an affirmative vote (Legal counsel opinion).

Action in Violation Void (NRS 241.036)

Action by AG or Person (NRS 241.037)

- Attorney General may seek injunctive relief – no damage or harm required.
- Person may sue to:
  - Void an action
  - Require compliance with law
  - Seek determination of applicability of law to action
- Suit to require compliance – 120 days.
- Suit to void action – 60 days.
Action by AG or Person (continued)

- Attorney General may forgo prosecution of a violation if there is a correction within thirty days of the alleged violation if in the best interests of the public.

- If public body taking corrective action, agenda must state “for corrective action” – but such posting is not an admission of a violation.

Role of AG (NRS 241.039)
AG Finding (NRS 241.0395)

- Attorney General to investigate and prosecute violations.
- Attorney General may issue subpoenas.
- If violation found, Attorney General opinion must be included on following agenda.
- Inclusion on agenda is not an admission of guilt or wrong-doing.
- Re-do/ratification of questioned action.

Penalties (NRS 241.040)

- Violation, with knowledge, is a misdemeanor.
- Wrongful exclusion – misdemeanor.
- Civil penalty - $500.
  – Must be sought by the Attorney General.
Nevada Leadership Program
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November 14, 2016
Ethics

What are “Ethics”?

An Ethical Decision Making Model

Nevada’s Code of Ethical Conduct

What Ethics Is

“...ethics may be understood as the study of moral conduct and moral status. Ethics and morality are often used interchangeably, but here I will distinguish them.

Morality assumes some accepted modes of behavior that are given by a religious tradition, a culture (including an organizational culture), a social class, a community, or a family. It involves expected courses of conduct that are rooted in both formal rules and informal norms.

Ethics, then, is one step removed from action. It involves the examination and analysis of the logic, values, beliefs, and principles that are used to justify morality in its various forms.”
What Ethics Is

"Ethics considers what is meant by principles such as justice, veracity, or the public interest; their implications for conduct in particular situations; and how one might argue for one principle over another as determinative in a particular decision.

Ethics takes what is given or prescribed and asks what is meant and why.

Ethics also deals with the moral status of entities such as families, organizations, communities, and societies."

What Ethics Is

Dealing with Ethics Descriptively or Normatively:

– Descriptively, ethics attempts to reveal underlying assumptions and how they are connected to conduct. (What we believe as individuals, as a society, as an organization).

– Normatively, ethics attempts to construct viable and defensible arguments for particular courses of conduct as being better than others in specific situations. (Infer a conflict between choices).

What Ethics Isn’t
What Ethics Is

An analytical tool to help us determine what course of action to take when we are confronted with two or more equally good or two or more equally bad choices when we are forced to choose.

Building an Ethical Decision Making Model

Levels of Ethical Reflection:
- The Expressive Level: “You should know better!”
- The Moral Rules Level: “Always be a good team player.”
- The Ethical Analysis Level: “Always tell the truth unless innocent third parties are harmed.”
- The Postethical Level: “Why should I be moral?”

Six Steps to Ethical Decision Making

- Define the Problem
- Identify Alternatives
- Evaluate the Alternatives
- Make the Decision
- Implement the Decision
- Evaluate the Decision
Nevada’s Code of Ethical Standards

Nevada Ethics in Government Law NRS 281A.400-NRS 281A.480

- **PUBLIC POLICY:** Public office is a public trust for the sole benefit of the people.
- Public officers and public employees must avoid conflicts of interest between their private interests and their public duties

To Whom Does NRS 281A Apply?

- Public officers elected or appointed to a position created by:
  - Constitution
  - State law
  - Ordinance
- And who exercises public power, trust or duty.
- Specifically includes county or city manager, superintendent of schools (2013).
- Applies whether employed, appointed, or under contract with or without compensation and regardless whether acting temporary or interim (2013).
To Whom Does NRS 281A Not Apply?

• Judges.
• Justices.
• Officers of the court system.
• Members of board, commission, or other body that is advisory.
• Member of board of GID or special district only if duties do not include budget or expenditure approval.
• County Health Officer (NRS 439).

The Ten “DO NOTS”

1. Seek or accept any gift, service, favor, employment, etc. which would tend to improperly influence or cause a departure from faithful and impartial discharge of duties…
2. Use position in government to secure or grant unwarranted privileges for self, business interest in which one has significant pecuniary interest, or person to whom one has a commitment in a private capacity…
3. Participate in negotiation or execution of contract in which one has a significant pecuniary interest…

The Ten “DO NOTS” (cont’d)

4. Accept anything of value from a private party for the performance of public duties…
5. Use non-public information to further pecuniary interest of self, business entity or person…
6. Suppress government report or document because it might affect pecuniary interest of self, business entity or person…
The Ten “DO NOTS” (cont’d)

7. Use governmental time, property or equipment outside of any ‘limited use’ or ‘deminimus’ policy adopted by an entity represented or by whom employed…

8. Attempt to benefit personal or financial interest through the influence of a subordinate.

The Ten “DO NOTS” (cont’d)

9. Seek employment or contracts through use of official position…

10. Represent or counsel, for compensation, any person on issue before his/her entity or for one year after leaving entity on any issue under consideration at the time of leaving…

Definitions – Nevada SB 228

Commitment in a private capacity to the interests of another person” means commitment, interest or relationship to a person:
- Spouse or domestic partner
- Member of household
- Related within third degree of consanguinity or affinity
- Employs self, spouse, domestic partner or member of household
- With whom self has a substantial and continuing business relationship
- With whom self has a commitment, interest or relationship substantially similar to above
Definitions – Nevada SB 228

- "Pecuniary Interest" means any beneficial or detrimental interest that consists of or is measured in money, economic value and includes payments for government service and gifts.
- The determination regarding gifts is whether gift is token vs. sufficient to affect conduct of job or office...

Conflict of Interest NRS 281A.420

If the matter under consideration involves:
- A gift or loan to member;
- An economic or money interest of member; or
- The same with regard to a person to whom I have a commitment in a private capacity

DISCLOSE!! DISCLOSE!! DISCLOSE!! DISCLOSE!!

Conflict of Interest (cont'd)

- Disclosure means:
  - Specific identification of conflict; and
  - Specific identification of relationship involved in conflict
- Disclosure must be made when matter considered:
  - If member, publicly to chair and other members
  - If appointed, to supervisor/superior in charge
## Voting and Abstaining

- Public policy favors participation and voting…

- Whether one votes, participates or abstains involves consideration of “the independence of judgment of the reasonable man”…

- “Reasonable man” means a consideration of whether a reasonable person would be materially affected by disclosed conflict…

## Voting and Abstaining (cont’d)

- After disclosing, conduct “reasonable man” analysis to determine whether to participate and vote or to abstain from matter…

- If not a clear conflict, participate and vote…

- If a clear conflict, abstain…

- If abstaining, leave table for duration of item…

- Caveat…

## Voting and Abstaining (cont’d)

- If abstaining, quorum requirement is reduced accordingly… but…

- Quorum not reduced for elected boards
  - Exception would be mixed boards of elected and appointed officials, e.g. Conservation District Boards
Violations

Civil Penalties – for *Willful Violations*:
– $5,000 for first violation.
– $10,000 for second violation.
– $25,000 for third violation.
– $5,000 for person interfering with investigation by State Ethics Commission.
– If a financial gain occurred, an additional penalty of up to 2 times the gain.

Opinion Requests

• First Party Advisory:
  – Forms/opinions on Commission website.
  – Confidential unless waived – how waived.
  – Type of request.
  – Effect of request.

• Third Party Complaint:
  – Forms on website.
  – Investigation/hearing/representation.

Opinion Requests (cont’d)

When in doubt…
– Ask entity attorney for opinion…
– As soon as you are aware of potential conflict…
– Preferably in advance of meeting…
– Call for short recess to allow discussion with attorney…
– If you abide by opinion, no willful violation…if
  • 2015 Legislature (AB 60) amendments
    – Opinion by legal counsel was rendered *before* action by individual
    – Was not contrary to any published Ethics Commission opinion
  • An issue with above may be in whose favor a conflict between the requesting party (board or commission member) and the legal counsel may be resolved
Role of the Nevada State Ethics Commission
http://ethics.nv.gov/

- Investigation of alleged violations.
- Imposition of fines for violations.
- Inform the attorney general or district attorney of all cases of noncompliance with the ethics law.
- Conduct hearings on requests for an opinion and render decisions.
- Recommend legislation to strengthen law.
- Publish the state’s ethics law manual.

- Reviews, conducts hearing and makes determination of violation, or no violation.
- May report willful violations for purposes of initiating impeachment proceedings.
- May report willful violations to court for removal from office.
- **Caveat:** violation not willful if obtained legal counsel advice **prior to meeting** and if not contrary to prior Ethics Commission opinions.

Nevada Leadership Program
Conservation District Leadership
Development 3.0 Workshop

November 14, 2016
A Brief History of Planning: National and Nevada

Land Use Planning is NOT NEW in the U.S. or in Nevada

- Land Use Planning can be traced back to the earliest days of our nation
- Land Use Planning in Nevada laws enacted in the 1920’s
- Early references to Conservation Districts and planning authority appear in 1937 Nevada Statutes
Early Planning in the United States

Governments’ effect on land design and subdivision dates from the Land Development Ordinance of 1785 (authored by Thomas Jefferson – One of America’s earliest planners?)

- The Land Ordinance established the basis for the public land survey system.
- Land was to be systematically surveyed into square townships, six miles (9.656 km) on a side. Each of these townships were subdivided into thirty-six sections of one square mile (2.59 km²) or 640 acres. These sections could then be further subdivided for re-sale by settlers and land speculators.

1785 Land Development Ordinance
(should look familiar: Township & Range)

Shifting Trends to mid-19th Century

- First, American residential population was growing rapidly.
  - Revolution to 1790, 4 million per year.
  - 1790 to 1820, growth of 6 million people.
  - 1820, 10 million residents.
  - 1840, 17 million residents.
- Second, decline in eastern agriculture.
  - 1790: 1 in 30 persons lived in a city (8,000 or more).
  - 1820: 1 in 20 persons lived in a city.
  - 1840: 1 in 12 persons lived in a city.
- Third, growth in new urban centers (Buffalo, Detroit, Milwaukee, Cleveland, Chicago, San Francisco) with the move westward led to new industries and new opportunities.
Late 19th Century Changes

- By the late 1800’s, past political, economic, and social paradigms were beginning to change.
- Federal and State governments were (slowly) shifting their attention from the largely rural areas to the urban environment.
- New/shifting paradigms supported a more ACTIVIST role for both the federal and state governments.

The Response – Planning, Zoning, and Professional Management

- Planning – “Planning as a function of local government began in the early 20th century, stimulated by the wretched conditions of cities. The kinds of dirt, noise, and congestion of the city proposed by our first city planners consisted of physical alterations in the urban structure.” (David C. Ranney (1961))
- Planning as a precursor for the political and bureaucratic reform movement known as the PROGRESSIVE ERA (1890’s – 1920’s).

Two Important Early 20th Century Planning, Zoning, and Professional Management Responses

- **Euclid v. Ambler Realty Co.** (1926): “The biggest of them all” – US Supreme Court upheld the Euclid town comprehensive plan that outlawed the development of industrial uses and multi-family housing and established **zoning as a legitimate exercise of the police power.** [emphasis added]

- **Standard State Zoning Enabling Act (SSZEA)** of 1926. “The SSZEA gave state legislatures a procedure, based upon an accepted concept of property rights and careful legal precedent, for each community to follow.” (Cullingworth and Caves (2003))
Planning and Zoning – Early Nevada Efforts

- 1921 NRS 268.100 through 268.220 adopted by legislature, giving communities the ability to create city planning commissions; (This legislation was not compulsory.)
- 1924 NRS 268.230 through 268.300 adopted by legislature, giving to cities the process by which to adopt municipal zoning. (This legislation was not compulsory.)
- 1931 & 1937 State statute references to Conservation Districts
- 1941 Legislature adopted NRS 278.030 through 278.260 adopted by legislature, creating the procedure by which city and/or counties would create planning commissions. Legislation also allowed creation of a regional planning.
- 1947 Legislature adopted current NRS 278

Planning In Nevada - The Present and Enabling Legislation

- Nevada Revised Statutes (NRS) Chapter 268 enables planning commissions in cities and annexation by cities.
- Nevada Revised Statutes (NRS) Chapter 278 enables regional, county and city planning commissions, master planning, zoning, subdividing, variances, special use permits, etc.
- Nevada Revised Statutes (NRS) Chapter 278A enables planned unit development (PUD).
- Nevada Revised Statutes (NRS) Chapter 278B enables impact fees.
- Nevada Revised Statutes (NRS) Chapter 548 enables creation of Conservation Districts.

Most Common Planning Tools Used by Local Governments
Master Planning and Zoning – An Important Distinction!

- Planning typically represented through a master plan document and master plan map(s).
- Zoning typically represented through a zoning ordinance and zoning map(s).
- Zoning is not planning, but a tool to implement a plan.

Master Plans in Nevada

- In Nevada Master Plan required for all counties over 45,000 population; all cities over 25,000 population.
  - Occurs because these jurisdictions required to have a planning commission and requirement of planning commission is to create a master plan
- Planning commission must adopt the master plan; elected body can only amend after consulting with planning commission.
- Except for counties over 100,000 population (and the municipalities within these counties), jurisdictions free to choose what elements in 278.160 they wish to include.

Zoning in Nevada

- Generally NRS provides for master plan map as basis for land use control.
  - NRS states “…zoning regulations must be adopted in accordance with the master plan for land use”.
- Zoning considered most common method of implementing a master plan.
  - NRS does not require zoning map or regulations; only authorizes adoption of same.
  - NRS does state, though, if zoning adopted – must be in conformance with adopted master plan.
  - Over past legislative sessions, zoning authorization has been broadened.
  - Density bonuses; inclusionary zoning; minimum densities.
Zoning in Nevada
NRS 278 identifies 14 issues that zoning is designed to address, e.g.
– Conservation of air and water
– Views and access
– Character & physical limitation of land
– Adequate supply of housing
– NRS 278.260:
  * "The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended."

Conservation District Powers Compared to Local Government Planning Powers

NRS 548: Legislature’s Declaration
• [R]enewable natural resources of the State of Nevada are basic assets.
• [R]enewable natural resources are being affected by the ever-increasing demands of farm and ranch operations and by changes in land use from agricultural to nonagricultural uses, such as, but not limited to, residential and commercial developments, highways and airports.
• [C]onservation, protection, and controlled development of these renewable natural resources are necessary at such rate and such levels of quality as will meet the needs of the people of this State.
NRS 548: Legislature’s Policy

- Consequences. [T]he consequences of failing to plan for and accomplish the conservation and controlled development of the renewable resources of the State of Nevada are to handicap economic development and cause degeneration of environmental conditions important to future generations.

- Appropriate corrective methods. [P]ersons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

- Conservation and control. [R]ecognize the ever-increasing demands on the renewable natural resources of the State and the need to conserve, protect and develop such resources at such levels of quality as will meet the needs of the people of the State.

Conservation Districts’ Planning Powers

- NRS 548.345: “Surveys, investigations and research. … a district and the supervisors thereof shall have the power to conduct surveys, investigations and research relating to the conservation of renewable natural resources and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures….”

- Similar to process for master planning (NRS 278) in that an initial “environmental scan” is conducted to determine what exists and what might be possible.

Conservation Districts’ Planning Powers

NRS 548.355: Preventive and control measures; repair and restoration of property… a district and the supervisors … may:

- Carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in the use of land.” [emphasis added]

- Similar to the zoning authority conferred on local governments through NRS 278
Conservation Districts’ Planning Powers

- **NRS 548.360**: "Cooperation and agreements with agencies for conserving renewable natural resources. ... supervisors ... may cooperate or enter into agreements with and, within the limits of appropriations made available to it by law and any money it acquires from any other source, furnish financial or other aid to any governmental or other agency, or any occupier of land within the district, in conserving renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter."

  - Similar to cooperative inter-agency agreements for conservation districts to supply recommendations for erosion control for projects

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Conservation Districts’ Planning Powers

- **NRS 548.375**: "Comprehensive plans for conservation. ... a district and the supervisors ... shall have the power:

  1. To develop comprehensive plans for the conservation of renewable natural resources within the district, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in the use of land; and

  2. To publish such plans and information and bring them to the attention of occupiers of lands within the district."

  - Similar to the master planning process authorized through NRS 278

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Conservation Districts’ Planning Powers

- **NRS 548.410**: "Petition; formulation; hearings; determination of whether referendum to be held.

  1. The supervisors of any district may file petitions with the State Conservation Commission at any time to request it to formulate land use regulations applicable to the district."

- **NRS 548.420**: "Approval of proposed ordinance; effect of regulations.

  3. Land use regulations prescribed in ordinances adopted pursuant to the provisions of NRS 548.410 to 548.435, inclusive, by the Commission shall have the force and effect of law in the conservation district and shall be binding and obligatory upon all occupiers of lands within such district."

  - Similar to the zoning process authorized through NRS 278
Exception

NRS244.361: “[County] Regulation and control of smoke and pollution of air:

1. [B]oards of county commissioners of the counties of this state may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases within the boundaries of the county.

2. If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to carry out that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the State Department of Agriculture or local conservation districts to determine the customarily accepted agricultural practices that may be affected by the proposed plan or program.”

Typical Local Government Master Planning Processes

TYPICAL STEPS IN CREATING/UPDATING A LOCAL GOVERNMENT MASTER PLAN

- Environmental Scan
- Public Participation Program
- Creation/Review of Master Plan Vision
- Creation/Review of Master Plan Goals
- Creation/Review of Master Plan Policies
- Creation/Review of Implementation Tools
- Review of and Creation/Revision of the Draft Master Plan
- Adoption of Master Plan
- Development/Revision of Implementation Tools
- Periodic Assessment of Achievement of Master Plan’s Vision, Goals & Policies
ENVIRONMENTAL SCAN

The environmental scan is a first step in establishing a point in time to commence the master plan creation/update. It also is the process to gather data. Gathered data typically includes:

- Status of the master plan area
  - Geography, geology, air & water quality, etc.
  - Conservation Districts can contribute information through their data sources
  - Existing uses of land: current and proposed, i.e. through current master plan, zoning (if presently exists) & assessor’s records
  - Available and proposed services: physical (transportation, water, sewer, etc.), social (schools, health, etc.), commercial, public (fire, police, etc.), agricultural
  - Conservation Districts can contribute information through their data sources
  - Conservation Districts can also use Environmental Scan data for the creation of a Conservation Plan

PUBLIC PARTICIPATION PROGRAM

The public participation program is typically created at the same time as the environmental scan is being conducted. The program must be an on-going effort during the master plan creation/update. It can include:

- Announcements: commencement of the master plan creation/update; periodic status reports; key meeting dates
- Creation of focus groups that may be especially affected by the creation/update
- Identification of public agencies that can provide valuable data and perspective on the creation/update
  - Conservation Districts should be part of this mix of public agencies
- Identification of staff who are available to answer inquiries and record information/comments

CREATION/REVIEW OF MASTER PLAN VISION

The master plan vision paints a verbal picture of the ideal master plan for the area being planned. For the creation of a master plan, it often becomes a unifying product for participants. For the update, it can be a benchmark to assess the achievement of the current master plan. Visioning is a group effort and should include all participants and those that may be affected by the creation or update of a master plan.

- Conservation Districts can contribute to this effort by providing their conservation plan’s vision, if one exists; and Conservation Districts should participate in the visioning process.
CREATION/REVIEW OF MASTER PLAN GOALS

- Goals articulate the desired end state of a master plan creation/update for the period for which the creation/update covers. Goals can be somewhat esoteric, e.g. maintain a rural lifestyle, provide for convenient commercial services. This is where the statutorily permitted elements identified in NRS 278 come into play.

- There are eight (8) primary elements and a number of sub-elements or directions within the 8 primary elements. Except for counties over 700,000 population (Clark County) in which the county and the municipalities within the county must adopt all elements and sub-elements; the other 16 counties are free to adopt as many of the elements as possible (Washoe County must adopt some of the elements to be in compliance with the required Regional Plan).

CREATION/REVIEW OF MASTER PLAN GOALS (2)

The following are the 8 primary elements and sub-elements/directions:

- Conservation (includes natural resources)
  - Solid Waste

- Historic Preservation
  - Historic Neighborhood Preservation
  - Historic Properties Preservation

- Housing
  - Affordable Housing

- Land Use
  - Community Design
  - Comprehensive Use of Land
  - Mixed Use, Transit Oriented Development, Master Planned Communities, Gaming Districts
  - Compatibility with Military Installations
  - Acquisition of Federal Lands
  - Rural Neighborhoods Preservation Plan (Counties over 700,000 population)

CREATION/REVIEW OF MASTER PLAN GOALS (3)

8 primary elements and sub-elements/directions (cont.):

- Public Facilities and Services
  - Economic Plan
  - Population Plan
  - Above ground Utilities Plan
  - Public Buildings (showing location & architectural/landscape treatment)
  - Public Facilities ( easements and facilities for sewage, drainage & utilities, rights-of-way; electric transmission line if reported by utility)
  - School Facilities Plan

- Recreation & Open Space
  - Recreation Plan

- Safety
  - Identification of natural & man-made hazards (Counties over 700,000 population)
  - Seismic Safety Plan

- Transportation
  - Streets & Highways Plan
  - Transit Plan
  - Transportation Plan (may include rail and air)
**CREATION/REVIEW OF MASTER PLAN POLICIES**

Policies are typically the measurable achievements of a goal. Example:

- **Goal: Maintain healthy air quality**
  - Policy: Maintain federal ambient air quality standards for the period of the master plan

- **Goal: Encourage the retention of agricultural land**
  - Policy: Identify currently utilized agricultural land on the master plan map
  - Policy: Only amend lands utilized for agricultural uses in the master plan after the appropriate Conservation District has identified currently utilized agricultural land as not supporting agriculture economically and/or physically

**CREATION/REVIEW OF IMPLEMENTATION TOOLS**

Although not typically included in a master plan document, the identification of implementation tools, either existing or new, can determine the success of achieving a master plan's vision, goals and policies. Example:

- **Goal: Encourage the retention of agricultural land**
  - Policy: Identify currently utilized agricultural land on the master plan map
  - Implementation: Zone property A (agricultural)
  - Policy: Only amend lands utilized for agricultural uses in the master plan after the appropriate Conservation District has identified currently utilized agricultural land as not supporting agriculture economically and/or physically
  - Implementation: Fund Conservation Districts for assessment reports
  - Implementation: Include Conservation District assessment reports in recommendation for master plan amendments and rezoning requests

**REVIEW OF AND CREATION/REVISION OF THE DRAFT MASTER PLAN**

Typically this is where the draft master plan becomes a complete document. A successful master plan will have internal consistency. Elements of the draft plan that Conservation Districts may want to urge inclusion and which should be evaluated for consistency with the Conservation District's comprehensive plan might include:

- **Conservation (including natural resources)**
- **Land Use**
  - Comprehensive Use of Land
  - Acquisition of Federal Land
- **Recreation and Open Space**
  - Recreation Plan (which typically includes identification of preferred Open Space)
- **Safety**
  - Identification of natural & man-made hazards
  - Seismic Safety Plan
ADOPTION OF MASTER PLAN / DEVELOPMENT/REVISION IMPLEMENTATION TOOLS

At the local government level, the adoption of a new or revised master plan will first occur at the planning commission level (required by state statute) and then at the governing body level (required in two counties).

IT IS IMPERATIVE THAT THE CONSERVATION DISTRICT’S ISSUES AND RECOMMENDATIONS BE PRESENTED AT BOTH LEVELS EVEN IF THE DISTRICT’S PROPOSALS HAVE BEEN INCLUDED.

Conservation Districts should request inclusion in the review/creation/revision of implementation tools to determine consistency with District processes/authority, and opportunities to assist in implementation of the plan.

PERIODIC ASSESSMENT OF ACHIEVEMENT OF MASTER PLAN’S VISION, GOALS & POLICIES

Although master plans usually have a 20 year horizon, periodic reviews and adjustments are common every 3 to 5 years. Conservation Districts should be part of the periodic review by:

- Being included in the review process
- Providing changes to the Conservation District's comprehensive plan to the planning staff and adopting organizations

Concluding Observations

- There are many powers of Conservation Districts that mirror master planning and zoning authority in NRS 278
- Conservation Districts can offer services to municipalities and counties in the form of advice, or even regulation, when it comes to conserving agricultural land, land subject to severe erosion, and even the appropriate use of certain land forms
- Cooperation between local government planning authority and conservation districts’ planning authority can be a very positive symbiotic relationship
- Conservation Districts can have a positive influence on the creation/revision of local government master plans
Nevada Leadership Program
Conservation District Leadership
Development 3.0 Workshop
November 14, 2016
What is Strategy?

“A strategy is a way of describing how you are going to get things done. It less specific than an action plan (which tells the who-what-when); instead, it tries to broadly answer the question, ‘How do we get there from here?’ Do we want to take the train? Fly? Walk?’

What is Strategy?

Elements of a Strategy Include:

– Recognition of existing barriers and resources (people, money, power, materials, etc.)

– Tied to an overall vision, mission, and a set of clearly defined objectives.

– Direction for future planned initiatives focused on providing information, enhancing support, removing barriers, providing resources, etc.
What is Strategy?

Does the Strategy:

- **Give overall direction?** The strategy should point out the overall path without dictating a particular narrow approach.
- **Fit resources and opportunities?** Should take advantage of current resources and assets while embracing new opportunities.
- **Minimize resistance and barriers?** Keep in mind that opposition and resistance is inevitable. Good strategies should attract allies and deter opponents.
- **Reach those affected?** Should connect the intervention with those who it should benefit.
- **Advance the mission?** The strategy should make a difference on the mission and objectives.

Why is a Strategy Important?

Key Advantages:

- Strategies allow a community to take advantage of resources and emerging opportunities.
- Strategies allow a community to respond effectively to possible barriers and sources of resistance.
- Strategies enable us, as a community, to use our time, energy, and resources more efficiently and more effectively.

The Strategic Planning Process

Five Integrated Steps:

1. **Developing a Strategic Vision:** charts the community’s long-term direction, a mission statement that describes the community’s identity business; and establishes a set of core values to guide the pursuit of the strategy vision and mission.
2. **Setting Objectives:** measures the community’s performance in order to track its progress in moving in the intended long-term direction.
3. **Crafting a Strategy:** advances the community along the path toward an envisioned future and achieving its performance objectives.
4. **Implementing and Executing the Chosen Strategy:** do so efficiently and effectively.
5. **Evaluating and Analyzing the External Environment and the Community’s Internal Situation and Performance:** identify corrective adjustments that are needed in the community’s long-term direction, objectives, strategy, or approach to strategy execution.
Strategic Vision, Mission, and Core Values

- **Strategic Vision**: describes ‘where we are going’...the course and direction the community has charted.

- **Effectively Worded Vision Statements**: graphic, directional, focused, flexible, feasible, desirable, and easy to communicate.

- **Shortcomings** in Vision Statements: vague or incomplete, not forward-looking, too broad, bland or uninspiring, not distinctive, too reliant on superlatives.

Strategic Vision, Mission, and Core Values

**Exercise: What is your Organization’s Vision?**

**Benefits of a Well Developed and Communicated Vision Statement:**
- Crystallizes the community’s own views about the community’s long-term direction.
- Reduces the risk of rudderless decision making.
- A tool for winning the support of key stakeholders to help make the vision a reality.
- Provides a point on which implementation and situational plans can be developed.
- Helps a community prepare for the future.

Strategic Vision, Mission, and Core Values

**Exercise: What is your Organization’s Mission?**

- **Mission Statement**: typically describes the community’s and organization’s present identity...‘who we are’, ‘what we do’, and ‘why are we here’.

- **Key Elements**:
  - Provide direction on day-to-day activity.
  - Provides a foundation for future decision-making.

- **Google**: “to organize the world’s information and make it universally accessible and useful”.

- **OSHA**: “to assure the safety and health of America’s workers by setting and enforcing standards; providing training, outreach, and education, establishing partnerships, and encouraging continual improvement in workplace safety and health.”
Strategic Vision, Mission, and Core Values

**Exercise: What are your Organization's Values?**

- **Core Values**: the beliefs, traits, and behavioral norms that organizational personnel and members are expected to display in conducting the organization’s functions and pursuing its strategic vision and mission.
- Typically, four (4) to eight (8) core values per organization.
- **Kodak**: respect for the dignity of the individual, uncompromising integrity, unquestioned trust, constant credibility, continual improvement and personal renewal, open celebration of individual and team achievements.
- **Home Depot**: entrepreneurial spirit, excellent customer service, giving back to the community, respect for all people, doing the right thing, taking care of people, building strong relationships, and creating shareholder value.

Setting Objectives (Goals)

**Exercise: What are your Organization's Objectives?**

- Well-stated objectives should be quantifiable, measurable, and contain a deadline for achievement.
- Objectives should be challenging yet achievable... they should ‘stretch’ an organization or a community to its full potential.
- **Short-Term vs. Long-Term Objectives:**
  - **Short-Term**: focus attention on delivering performance improvements in the current period.
  - **Long-Term**: forces the organization or the community to consider how actions currently under way will affect the organization or community later.

The Conservation Plan

University of New Hampshire
Cooperative Extension
The Conservation Plan

Why bother creating a Conservation Plan for your Conservation District?

– The plan can help identify and describe the most important natural features and resources in a geographic area.
– The plan can help promote conservation of these natural features and resources.
– The plan can help guide municipal/county and private voluntary land conservation planning.
– The plan can document conservation priorities and recommend policies in a municipal/county master plan.
– The plan should suggest regulatory protection for critical natural features and resources.

Recommended Elements of a Comprehensive Conservation Plan:

1. A Statement of Purpose (Mission, Vision, Core Values)
2. Goals (Strategic Objectives)
3. References to Documents that Support the Efforts of the Conservation District (Crafting Strategy)
4. A review of a Natural Resource Inventory (Crafting Strategy)
5. Interpretation of the Inventory (Crafting Strategy)
6. Landscape Level Considerations including Watersheds, Biological Needs of Wildlife, etc.
7. Recommended Types and Levels of Protection for Identified Natural Features and Resources (Implementation)
8. An Action Plan indicating what is to done, by whom, and by when (Implementation and Evaluation)

The Conservation Plan – (3) References to Documents that Support Conservation Planning

Consider Reviewing, Incorporating andReferencing:

– The community’s existing masterplan, zoning ordinances, and community surveys.
– The type, nature and scope of existing natural resource conservation initiatives (local, state, regional and federal).
– Potential future revisions to existing masterplans and/or local land use controls.
– Existing regulatory or voluntary conservation approaches.
The Conservation Plan – (4) Review of a Natural Resources Inventory

A **BASIC INVENTORY** should include:

- Town Boundaries
- Transportation Networks
- Utility Networks
- Surface Networks
- Groundwater Sources (aquifers)
- Wetlands
- Watersheds (local and regional)
- Potential and Known Non-Point Pollution Sources
- Topography of the Planned Area
- Lands Designated for Conservation (wilderness areas, state and national parks, etc.)
- Important Agricultural Soils
- Existing Wildlife Action Plan
- Unfragmented Blocks of Open Space Lands

The Conservation Plan – (4) Review of a Natural Resources Inventory

A **DETAILED INVENTORY** should include:

- Floodplains
- Undeveloped Shorelands
- Potential Future Public Water Supplies
- Cultural Features (archaeologic and historic sites, scenic areas, etc.)
- Agricultural Lands Assessment
- Productive Forest Soils
- Managed Forest Lands and Tree Farms
- Detailed Wildlife Habitat Assessment

The Conservation Plan – (5) Interpretation of the Natural Resources Inventory

The Interpretation should include:

- Any needed explanation of the natural resources inventory.
- Description of any information provided in the natural resources inventory.
- Important features and resources revealed through the creation of the natural resources inventory.
- Where concentrations of features and resources occur and where important features and resources occur (co-occur) together.
The Conservation Plan – (6) Landscape Level Considerations (Regulatory and Voluntary)

For **WATER RESOURCES**

Protection, General Principles:
- Prioritize and protect local watersheds, riparian areas with buffers, wetlands and surrounding uplands.
- Limit impervious areas.
- Maintain natural hydrologic levels where possible.
- Avoid soil erosion.
- Control toxic materials.
- Minimize road density.

Voluntary Approaches:
- Acquisition of riparian conservation easements.
- Land acquisition.
- Best management practices defined and promoted.
- Public education.

Regulatory Approaches:
- Establish public policy in the local masterplan.
- Setbacks that specify a distance certain activities must occur from water or wetlands.
- Buffers (same as setbacks).
- Best management practices required (i.e. performance-based zoning).

The Conservation Plan – (6) Landscape Level Considerations (Regulatory and Voluntary)

For **WILDLIFE HABITAT**

Protection, General Principles:
- Make conservation areas as large as possible.
- Connect smaller areas near one another to create a bigger unit.
- Locate areas close to each other.
- Provide travel routes for animals by connecting reserves.
- Include representative natural communities.
- Include habitats for rare species or communities.
- Work within watersheds when possible.
- Include landscape variety (elevation, etc.).

Voluntary Approaches:
- Acquisition of conservation easements.
- Land acquisition.
- Managing wildlife habitats.
- Public education.

Regulatory Approaches:
- Establish public policy in the local masterplan.
- Require that subdivisions allow for continued movement of wildlife across roads.
- Use of cluster or "open space" or "conservation" zoning.
- Use of surface water and wetland protection measures.

The Conservation Plan – (7) Recommended Types and Levels of Protection

Consider Including:
- Recommendations for the protection of identified and prioritized features and resources.
  - Example: “Maintain or restore shorelands of lakes and ponds in a naturally vegetated condition within 100 feet of the water or for rare species or natural communities.”

- Statements of preference for particular types of conservation, either voluntary or regulatory.
  - Example: “The preferred voluntary conservation technique is acquisition of conservation easements because…”

Should Include:

- What is to be done, by whom, and when the goal or strategy should be completed.

- Include a time line of major milestones and short-term (Year 1, Year 2, Year 3, Year 4, Year 5) and long-term (Over the entire 5-Year Planning Horizon) planning horizons.

- Include a budget with estimation of costs and revenues completed and revised on an annual basis.
Public Budgeting and Finance

Nevada Revised Statute (NRS) Chapter 354 Section 470-725: Budgets of Local Governments

NRS 354.472: Purposes of the Local Government Budget and Finance Act

a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.

b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

c) To provide for estimation and determination of revenues, expenditures and tax levies.

d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.
The Budget Deliberation Process

Budget deliberations tend to focus on total spending or spending in specific expenditure categories, such as travel, printing or contracts. Important policy decisions may emerge as consequences of spending decisions, but budget deliberations are focused on fiscal policy rather than substantive policy.

- Gianakis and McCue (1999)

The Budget Deliberation Process

The Budget Process asks Program Managers for Information in Three Broad Areas:

– Provide an indication of what the program will accomplish.

– Consider how the mission will be accomplished and what resources will be required.

– COST: What will the program cost?
Functions of Budgets

• Three Functions (Allen Schick, “The Road to PPB”, 1966):
  – **Control Mechanisms**: hold public managers accountable for using public funds for approved ends.
  – **Guides to Operations**: tell managers what is expected of them in terms of output; help managers plan their work.
  – **Enunciate Public Policy**: allow policy makers to plan how public funds will be used to achieve desired societal outcomes.

• Fourth Function (Gianakis and McCue):
  – **Influence Organizational Culture**: centrality as an organizational symbol and annual ritual; reflection of the basic values of the organization.

Functions of Budgets

• As a group, think about your organizations annual budget and identify examples of the following:
  – Control Mechanisms?
  – How does your annual budget guide organizational operations?
  – What public policies are enumerated in the budget?
  – How does your organizations annual budget influence your organizations culture?

• Discuss as a class in 10 minutes.

The Revenue Constraint

![Graph showing fluctuating revenue over years](image)
The Revenue Constraint

“Regardless of the format employed, budgetary decision making must usually be conducted within the constraints posed by available revenues.”

“Local government budgeting is revenue-driven, and all processes and formats operate under this constraint. Tax policy is inherently incremental, because large increases in tax rates are not well tolerated by those affected, regardless of the relative burdens they currently bear.”

Revenues = Spending

Taxes
Fees
Investment Income
Savings
Debt
Everything Else

Fiscal Authority and Stability

“Something is seriously out of sync in California. Many of its cities’ revenue sources aren’t well aligned with their communities’ changing service demands. Diminishing local control over their finances and the unprecedented dominance of the state in local affairs has left city officials frustrated as they work to respond to the growing needs of their communities.

When legislators do seek to reform the current system of state-local finance, they encounter hundreds of distrustful local officials and technical complexities in a situation where almost any change helps some communities and harms others.”

- Coleman and Colantuono (2003)
Three Characteristics to Consider

- The degree of local control and discretion, including:
  - Control of the **tax base** (who pays).
  - Control of the **tax rate** (how much they pay).
- The degree of economic risk, including:
  - **Sustainability** (the capacity of the revenue to grow comparably to growth in service demand).
  - **Volatility** (the level of year-to-year fluctuation).
- The degree of political risk (the vulnerability of revenues to appropriation or reallocation by the state or federal government including the courts).

Local Control and Discretion

- Rate, Base, and Use – Discretion and Control?
- Degree of Flexibility:
  - Setting the rate(s) level.
  - Determining who pays and on what basis (the base of the revenue measure).
  - Using the revenues.

Economic Risk

Two Aspects of Long-Term Stability:

1. Sustainability: “A tax is best suited to fund programs where the demand for service changes in proportion to the proceeds of the tax…provides sufficient revenue to cover service costs even as service demands change over time.”
   - Services to People
   - Services to Property
   - Services to Businesses
Economic Risk

Two Aspects of Long-Term Stability:

2. Volatility: “…a measure of the degree of annual fluctuation from the average annual growth of a revenue source.” Generally unacceptable, except for when:
   - The source provides strong return in relation to service demand over time. [Example?
   - Sufficient reserves and use of one-time programming can be used to cushion the impacts of fluctuation. [Example?
   - The revenue budget contains a mix of other sources with different performance characteristics that mitigate volatility. [Example?

Political Risk

“Local revenue stability is also affected by the potential for the state or federal governments (or courts) to reduce the revenue, which we label ‘political risk’.

To the extent that this delegation of authority is accomplished by the state Constitution, the risk of state actions impacting local finances and powers is reduced.”

Nevada? End of the 2017 Session?

Political Risk

- **Impacts on Fiscal Planning:**
  “…certain bells cannot be unrung. Once a serious proposal is made to transfer a revenue stream on which local government has relied, the dependability of that revenue stream for long-range fiscal planning is significantly damaged for as long as the political memory of the debate remains.”

- **Impacts on the Cost of Financing Government:**
  “Political risk means uncertainty, and in finance – whether public or private – uncertainty means at the very least higher costs and may mean complete frustration of important fiscal goals for a community.”
### The Annual Budget and the Annual Work Plan

### Financial Responsibility and Reporting Requirements

- On an **annual basis**, local conservation districts must prepare and submit the following to the Nevada State Conservation Program:
  - A properly prepared budget (includes a list detailing both Total Income and Total Expenditures) for the upcoming fiscal year.
  - An Annual Work Plan for the upcoming fiscal year.
- Both the Annual Budget and the Annual Work Plan should be submitted to the Conservation Districts Program.

### Annual Receipts Report

Examples of Total Receipts:
- State Funds
- County Funds
- City Funds
- Other Government Funds (Specify)
- Administrative Income (Specify)
- Interest (CD’s, Savings, Checking)
- Grants for Projects (Specify)
- Rental Income (Equipment, etc.)
- Contributions
- Building/Property Rental Fees
- Other Sources of Income
Annual Receipts Report

Examples of Total Expenditures:
- Employee Salary
- Fringe Benefit Expense
- Travel
- Building Rent
- Telephone
- Insurance
- Postage
- Coping Expense
- Office Supplies
- Equipment Purchase (Specify)
- Equipment Expenses (Maintenance, Repair, Operation)
- Dues – NVACD
- Dues – NACD
- Dues – Other
- Mileage
- Investments (Specify)
- Internet
- Bond and Insurance Expenses
- Projects Costs (Grant 1, Grant 2, Grant 3…)
- Other Expenses (Specify)

Annual Work Plan

Include the Following Elements:
- Name, Mailing Address, Phone Number of the Conservation District.
- Date the Annual Work Plan was adopted by the Conservation District Board of Supervisors.
- Fiscal Year covered by the Annual Work Plan.
- Provide an Executive Summary of the Annual Work Plan.
- Provide a reasonably detailed summary of each component, project or program summarized in the Executive Summary.
- The Annual Work Plan should also have a section dedicated to a summary of ongoing District Administration efforts and operations.

Nevada Leadership Program
Conservation District Leadership Development 3.0 Workshop
November 14, 2016
Additional Supporting Material

Nevada Conservation District Map
Fact Sheet: Director Powers and Responsibilities
Fact Sheet: District as Employer
Fact Sheet: Reporting
Fact Sheet: Effective Board Meetings
Fact Sheet: Ethics for Public Officials
Fact Sheet: Open Meeting Law
Fact Sheet: Public Record Laws
Glossary of Key Planning Terms
Director Powers and Responsibilities

Overview

“District Supervisor” is the title given to individuals who have been elected or appointed to serve on a Conservation District board. Nevada Conservation Districts are political subdivisions of state government but are not state agencies. They are considered municipal corporations, a form of local government that is required to follow many of the same laws that govern state agencies. The Conservation Districts work with landowners, communities, federal, state and local agencies, and organizations to protect natural resources and maintain a healthy environment.

Key Points

Powers of the Board

- Dillon’s Rule: A local government may exercise powers that are expressly provided for by law or are necessarily implied.
- Individual Board members do not have individual powers and authorities.
- Individual Board members may be given authority or power to act on behalf of the Board.
  - Power is granted through Board action and must be recorded in the Minutes.

Responsibilities of Supervisors to the Board

- Attend and actively participate in all Board meetings.
- Come to the meetings prepared, informed and on time.
- Carry out committee responsibilities.
- Represent the Board positions and actions.
- Treat fellow Board members, staff and public with respect.
- Stay abreast of local conservation issues.
- Attend area and state meetings of the state Association.
- Participate in training opportunities.
- Promote the District’s work to local landowners, local and state agencies, legislators, and other organizations.

Surety Bonds, Liability and Workers’ Compensation Insurance

- The District may provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property.
- Liability and Workers’ Compensation insurance can be provided by the District. This insurance is currently available to districts, at a reduced rate, from the State of Nevada.

Resources

Conservation Districts Program

Contacts:

- Tim Rubald 775-684-2717
- Gerry Miller 775-461-6569
- Bettina Scherer 775-461-6229
- Ben Bolton 775-461-6469

Publication: Nevada Conservation District Guidebook

Applicable Laws and Rules

Governing Statutes

Nevada Revised Statutes (NRS) Chapter 548 and Chapter 241

Nevada Administrative Code (NAC) Chapter 548 – Conservation

Basic Legal Requirements in NRS 548 and NAC 548

- Hold at least (3) regularly scheduled meetings in different calendar months.
- Give proper Notice of meetings with agendas (NRS 241)
- Annual Work Plan and Budget
- Annual Report
- Annual Financial Report
- Annual Meeting and Notice
District as Employer

Overview

When a district hires an employee, the district is subject to the legal responsibilities of being an “employer.” There are a number of required personnel obligations and compliance requirements ranging from hiring practices to tax reporting. It is important to have well defined district policies and procedures, trained staff, and directors knowledgeable in personnel matters.

Key Points

Basic Legal Responsibilities

- Register as an employer.
- State and Federal withholding tax.
- Federal Medicare and Social Security taxes.
- Unemployment tax.
- Worker’s Compensation Insurance.
- Employment eligibility verification.
- New hire reporting.
- Year-end tax reporting responsibilities.
- State and Federal posting requirements.

Additional Responsibilities of an Employer

- Correctly classify and compensate employees.
  - Exempt vs. non-exempt
- Adequate and appropriate supervision of employees.

Employee vs. Independent Contractor

- Common law Rules – Three Categories
  - Behavioral: Does the district control or have the right to control what the worker does and how the worker does his or her job?
  - Financial: Are the business aspects of the worker’s job controlled by the district?
    - These include things like how the worker is paid, whether expenses are reimbursed, who provides tool/supplies, etc.
  - Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the district?
- The IRS has numerous “tests” that must be met in order to call an employee a contractor.
Reporting

Overview

The Conservation Commission uses reports from the Districts to determine if monies are being used appropriately. Reporting in a timely manner is very important. This information is used by the Conservation Commission to determine if a District is in “good standing” and can therefore continue to receive State funds.

Key Points

Minutes and Agendas

Minutes and Agendas must be submitted to the Conservation District Program Office within (30) working days of the meeting date.

Draft Minutes are fine if that is what is available.

Planning Reports

Annual Plans

An Annual Plan of Work outlines specific objectives and activities to complete long range plans.

Annual Plans are to be filed with the Conservation Commission by June 1st of each year.

Proposed Budget

The Proposed Budget shows how the District intends to receive and disburse funds. This will include recurring costs such as wages and insurance as well as specific financial events such as grants.

The Proposed Budget is to be filed with the Conservation Commission by June 1st of each year.

Basic Financial Responsibility

- Create and maintain a district budget.
- Manage funds consistent with fiduciary responsibility.
- Maintain accurate and complete financial records and reports.
- Manage cash deposits, investments, and other financial holdings.
- Review monthly financial and treasurer reports.
- Report to appropriate local, state, and federal entities.
- Provide an annual audit of the accounts of receipts and disbursements. (NRS 548.320)

Final Financial Reports are to be filed with the Conservation Commission by September 30th of each year.

Audits

Districts should conduct an annual audit of accounts, receipts, and disbursements. The District’s Treasurer leads this effort. An audit can also be completed by an outside accounting firm.

Annual Reports

The Annual Report explains what your District accomplished in the last year. It should include:

- The Treasurer’s Report.
- Highlights or special events of the year.
- Accomplishments (conservation projects, workshops, etc.).
- Goals that were not met.
- Any other information for the public to better understand what you’ve done.
Effective Board Meetings

Overview

Board meetings are fundamental to conducting conservation district business. They are often long, inefficient and discouraging. Effective board meetings can be conducted with planning and good facilitation by the Board Chair and participation by Supervisors.

Key Points

General Tips

- Send a clear and detailed agenda to board members at least one week before the meeting. Include a draft copy of the previous meeting’s minutes, staff reports and other needed information.
  - Put the person responsible for each agenda topic on the agenda.
  - Write an “anticipated action” for each agenda item.
  - Put a timeline for discussion and action on the agenda.
- Start and End on time.
- Have staff submit written reports that are sent with the agenda. Use the staff report time at the meeting to highlight important items in the report and/or ask for feedback and decisions.
- Use at least a modified version of Robert’s Rules of Order to keep the meeting moving and on track.
- Make sure the room is comfortable (temperature, chairs, etc.).
- Write up draft minutes and distribute them to board members as soon as possible after the meeting.

Responsibilities of Individual Board Supervisors

- Come prepared and have read Board packet before the meeting.
- Arrive on time.
- Respect fellow Supervisors and staff, their opinions, and the decisions of the board.
- Represent the board decisions and positions even when they are not the individual Supervisor’s position.

Responsibilities of the Board Chair

- Keep the meeting on schedule. Ask permission to extend discussions.
- Manage side discussions and help board stay focused.
- Encourage “dumb” questions.
- Manage dissent and disagreements firmly and with respect.
- Recap each agenda item and the resulting action.
- Make sure each Supervisor has input on at least one thing at every board meeting.
- Don’t be afraid to be creative!

A Good Board Will:

- Have all members contributing.
- Trust each other.
- Work through conflict.
- Have immediate resolution.
- Be accountable.
- Question practices.
- Understand the financials.
- Read and research topics before the meeting.

A Good Board Member Will:

- Turn off cell phones and refrain from using personal electronic devices during the meeting.
- Be conscious of body language and non-verbal responses. Body language can be as disrespectful as words.
- Keep an open mind and focus on the facts. Do not attack other board members, staff or public.
- Be respectful of differences and seek to reach a consensus.
- Listen to and respect others while they speak.
- Participate in discussions respectfully and in a constructive manner.

A Good Board Chair Will:

- Be interested and enthusiastic.
- Set and keep ground rules for the meeting.
- Ask open-ended questions.
- Listen carefully to each person.
- Avoid stating that a person is wrong.
- Clarify assumptions.
- Summarize the discussion.
- Ask for feedback and take action.
Ethics for Public Officials

Overview

Public officials are held personally responsible for complying with the provisions in Nevada Ethics in Government law. This means that each public official must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, or when to disclose the nature of conflicts of interest. If a public official fails to comply with the operative statutes, a violation cannot be dismissed by placing the blame on the public official’s government employer or the governing body represented by the public official.

Key Points

Who is covered?

- Public Officials.
- Volunteers with regular duties.
- Relatives, members of the household, and businesses with which you are associated.

Prohibited Uses

- Using or attempting to use an official position to obtain financial gain, or avoidance of financial detriment, which would not otherwise be available, but for the holding of your official position or office.
- Solicitation or promise of future employment based on decisions made or actions taken.
- Use of confidential information for personal gain.
- Conflict of interest.

Conflict of Interest

A “conflict of interest” is the private or personal interest of a public officer or someone close to a public officer that is sufficient to affect his or her independence of judgment or the objective exercise of public duty.

Public officers must disclose conflicts of interest at the time a matter is being considered – often at the opening of an item on a public meeting agenda. (NRS 281A.420)

Who is a public official?

A public official is a person elected or appointed to a position established by the Nevada constitution, state statute, or county or city ordinance who exercises a public power, trust or duty (NRS 281A.160)

In Nevada, a public office is a public trust held for the sole benefit of the people.

Resources

Conservation Districts Program
Contacts:
Tim Rubald 775-684-2717
Gerry Miller 775-461-6569
Bettina Scherer 775-461-6229
Ben Bolton 775-461-6469
http://dcd.nv.gov/index.htm
Publication: Nevada Conservation District Guidebook

Applicable Laws and Rules

The Nevada Ethics in Government Law is limited to Chapter 281A of the Nevada Revised Statutes (NRS). It consists of five sections:
2. Commission on Ethics
3. Code of Ethical Standards
5. Financial Disclosure Statement

Who is a “relative” of a public official? (Partial list)

- Spouse.
- Your children or spouse’s children.
- Siblings and spouses of siblings.
- Your spouses’ siblings and their spouses.
- Your parents and spouse’s parents.
- Any person for whom you have a legal support of obligation.
Open Meeting Law

Overview

The Nevada form of government requires an informed public aware of the deliberations and decisions of governing bodies, and the information upon which such decisions are made. It is the intent of the Open Meeting Law that decisions of governing bodies be arrived at openly. Thus, Open Meeting Law provides that any member of the public must be permitted to attend any meeting of the governing body, except for “closed sessions.”

Key Points

Basic Requirements

- Open to the public. (closed sessions exemption)
- Advance Notice is given.
- Minutes are taken.
- Votes are made publicly and recorded.
- Audio recordings of all public meetings.

Notice

- Posted at the principal office of the public body, and at the building in which the meeting is to be held.
- Posted at not less than three other separate, prominent places within the jurisdiction of the public body.
- Posted on CDs website if one exists.
- Posted on State of Nevada Public Meeting website.
- Posted no later than 9 a.m. of the third working day before the meeting. (the day of the meeting does not count)
- Notice must include time, place and agenda.
- Agendas and support material must be made available to the public.
  - The name and contact information for a designated person who keeps supporting material for the public body and a list of locations where the supporting material is available to the public must be included on every agenda.

Minutes

- Written Minutes must be provided of all meetings.
- Contents:
  - All persons present.
  - All motions, proposals, resolutions, orders, ordinances, and measures and the dispositions.
  - The results of all votes.
  - The substance of any discussion on any matter.
  - A reference to any document discussed at the meeting.

Resources

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Publication: Nevada Conservation District Guidebook

Applicable Laws and Rules

Governing Statutes
Nevada Revised Statutes (NRS) Chapter 548 and Chapter 241

Definitions

- Governing bodies are two or more members of any public body that makes decisions or recommendations.
- Public bodies include committees, subcommittees, and advisory groups that have authority to make decisions for or recommendations to a public body.
- A meeting is the convening of a governing body for which a quorum is required to make a decision or deliberate toward a decision.
- Quorum:
  - A majority of Board members must be present.
  - Majority vote of all members of a Board must occur to make a decision.
Public Records Law

Overview

The policy that underlies the Public Records Law is that the public is entitled to know how the public’s business is being conducted. The Public Records Law details this policy by granting the public a broad right to examine records created, maintained, cared for, or controlled by public bodies. This law is primarily a disclosure statute, not a confidential statute. Public Records Retention rules provide for the retention and disposition of public records.

Key Points

Basic Law

- “The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law”. (NRS 239.001(1))

Definitions

- **Governmental entity**: Governmental entity means any elected or appointed officer of this State or of a political subdivision of this State and an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State.
- **Public Records**: Public record includes any information relating to the conduct of public business that is prepared, owned, used, or retained by a public body regardless of medium in which the public record is readily available.
- **Privatization contracts**: Privatization contracts executed by or on behalf of a governmental entity is a public record and must be open to inspection.

Public Records Requests

- An officer, employee or agent of a governmental entity who has legal custody or control of a public record shall not refuse to provide a copy of that public record.
- Must segregate confidential material from public material and disclose the non-confidential material.
- Must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public records.
- May consult with counsel before responding to a request.
- May establish fees to reimburse for the actual cost in making records available, but may not exceed the actual cost.

The Conservation Districts Program provides the service of maintaining records for the Districts and providing them to Libraries and Archives when appropriate.
**Glossary**

**Arbitrage:** The simultaneous purchase and sale, as of stock, in two financial markets to profit from a price difference. (source: Webster’s New World Dictionary 2nd Edition; 2001)

**Density:** “The number of dwellings or principal buildings or uses permitted per net (or gross) acre of land.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Deontological Approach to Ethics:** focus on one’s duty to certain ethical principles, such as a justice, freedom, or veracity, without regard to the consequences of one’s actions.

**Division of Land into Large Parcels:** “1. Except as provided in subsections 2 and 3, a proposed division of land is subject to the provisions of NRS 278.471 to 278.4725, inclusive, if each proposed lot is at least:

   (a) One-sixteenth of a section as described by a government land office survey; or
   (b) Forty acres in area, including roads and easements.

2. The governing body of a city, the board of county commissioners with respect to the unincorporated area, may by ordinance elect to make NRS 278.471 to 278.4725, inclusive, apply to each proposed division of land where each proposed lot is at least:

   (a) One-sixty-fourth of a section as described by a government land office survey; or
   (b) Ten acres in area, including roads and easements.

3. A proposed division of land into lots or parcels, each of which contains not less than one section or 640 acres, is not subject to NRS 278.471 to 278.4725, inclusive.” [emphasis added] (source: Nevada Revised Statutes, NRS 278.471).

**Economic Development Marketing and Attraction:** marketing can be used to help attract, retain, and expand businesses, improve a community’s image both inside and outside the community and promote policies and programs. Marketing is neither an end in itself nor is it a panacea; it cannot make up for a community’s shortcomings. Rather, marketing is a tool to help economic development practitioners reach their short and long term economic goals.

**Euclidean Zoning:** “A convenient nickname for traditional as-of-right or self-executing zoning in which: district regulations are explicit; residential, commercial, and industrial uses are segregated; districts are cumulative; and bulk and height controls are imposed.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Ex Parte Contact:** “Some form of communication between one party to a proceeding (e.g. an applicant for a permit) and a public official with some responsibility for making a decision affecting that proceeding occurring outside the formal decision-making process and without the knowledge of the other party to the proceeding.” [Comment: Such contacts are usually prohibited or circumscribed by codes of ethics to preclude conflict of interest or the appearance
of favoritism to one party in a proceeding] (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Form-Based Zoning (aka Contextual Zoning, Flexible Zoning):** “Allows market demand to determine the mix of uses within the constraints of building type set by the community. The community establishes zones of building type and allows building owners to determine the uses. The look and layout of a street is carefully controlled to reflect neighborhood scale, parking standards, and pedestrian accessibility, but building owners and occupants are allowed maximum flexibility to determine how the building will be used.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Line-Item Budget:** also known as object-of-expenditure budgets; these budgets are input-oriented that optimize the control function; typically consist of three broad areas: (1) Personnel Categories, (2) Operating Expenditures, and (3) Equipment and Materials.

**Lot:** “Lot” means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.” (source: Nevada Revised Statutes, NRS 278.0165).

**Master Plan (aka General Plan, Comprehensive Plan):** “A comprehensive long-range plan intended to guide growth and development of a community or region and one that includes analysis, recommendation, and proposals for the community’s population, economy, housing, transportation, community facilities, and land use.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Subject Matter of Master Plan (NRS)**

1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:
   (a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.
   (b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.
(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historic neighborhood preservation plan. The plan:

1. Must include, without limitation:
   I. A plan to inventory historic neighborhoods.
   II. A statement of goals and methods to encourage the preservation of historic neighborhoods.

2. May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(e) Historical properties preservation plan. An inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(f) Housing plan. The housing plan must include, without limitation:

1. An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing to individuals and families in the community, regardless of income level.

2. An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

3. An analysis of projected growth and the demographic characteristics of the community.

4. A determination of the present and prospective need for affordable housing in the community.

5. An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

6. An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

   I. A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

   II. An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

7. An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

8. A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(g) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

1. Must address, if applicable:

   I. Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and
(II) The coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(h) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(i) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(j) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities thereof, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(k) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(l) Rural neighborhoods preservation plan. In any county whose population is 700,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(m) Safety plan. In any county whose population is 700,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(o) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(p) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(q) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.” (source: Nevada Revised Statutes, NRS 278.160).
Neighborhood and Community-Based Development Strategies: Economic development activities at the neighborhood level deal with both place and people. The fundamental underpinning of neighborhood and community-based development strategies is building assets both individually and collectively for the community. Traditional economic development activities are key, and involve the attraction, expansion, and retention of businesses, new business development and job creation. In some ways, neighborhood and community-based development strategies go beyond traditional economic development. Attention must be devoted to increasing wealth at the individual household or family level.

New Urbanism (aka Neo-traditional Development, Traditional Neighborhood Development): “The process of reintegrating the components of modern life—housing, workplace, shopping, and recreation—into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit and set in a larger regional open space framework. Initially dubbed ‘neo-traditional planning’, the principles that define new urbanism can be applied successfully to infill and redevelopment sites within existing urbanized areas.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

Parcel Map: “1. Except as otherwise provided in this section, a person who proposes to divide any land for transfer or development into four lots or less shall:
   (a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and
   (b) Pay a filing fee in an amount determined by the governing body.” [emphasis added] (source: Nevada Revised Statutes, NRS 278.461).

Performance Budgets: a type of budgeting focused on the work being done in public agencies; they seek to enhance efficiency – that is, to maximize production at a given level of resources. Resources allocated to specific activities that produce immediate outputs, rather than the line-items that indicate the materials consumed in the production process. Can be either input-oriented or output-oriented depending on whether the work activities are viewed as inputs to public policy outcomes or organizational outputs in their right.

Planned Unit Development (aka PUD): “An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential as shall be specified.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004)

Planned Unit Development (NRS): 1. “Planned unit development” means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both.
2. Unless otherwise stated, “planned unit development” includes the term “planned unit residential development.” (source: Nevada Revised Statutes, NRS 278A.065)
**Program Budgeting:** the polar opposite of line-item budgeting; used in the pursuit of valued societal outcomes rather than the control of expenditures assumes center stage; the simultaneous pursuit of effective government and controlled public administrators.

**Real Estate Development and Land Reuse Strategies:** whether it is brand new development on a vacant parcel of land, the redevelopment of previously occupied parcels and/or the reuse of previously occupied buildings, real estate development and land reuse strategies tend to be central to the practice of economic development. Vast majority of these strategies happen through private sector transactions, supported by the use of public-private partnerships, with private developers acting on supply and demand market forces.

**Small Business and Entrepreneurial Development Strategies:** these strategies typically include activities aimed at assisting new small businesses and entrepreneurs to start-up a new business or venture.

**Subdivision (aka Subdivision Map, Subdivision Plat):** “1. “Subdivision” means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:

(a) The term “subdivision” does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.
(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term “subdivision” does not apply to:
   (1) Any division of land which is ordered by any court in this State or created by operation of law;
   (2) A lien, mortgage, deed of trust or any other security instrument;
   (3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
   (4) Cemetery lots; or
   (5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive. [emphasis added] (source: Nevada Revised Statutes, NRS 278.320).

**Tech-Transfer and Technology-Based Strategies:** an important element of a community’s overall economic development strategy leading to business creation, expansion of existing businesses through new products or services, and increased business efficiency and competitiveness with improved manufacturing or management processes. Usually dependent upon four main factors: (1) a community’s capacity to create an environment that attracts and retains technology industries and workers into the local area, (2) a community’s policies and programs that help promote the development of technology into marketable products and
services, (3) a community’s ability to deploy technology in more traditional business sectors of the economy, and (4) ability to support entrepreneurial efforts.

**Teleological Approach to Ethics:** involves a certain concern for the ends or consequences of one’s conduct. This is the position most notably associated with utilitarianism and its calculus of the greatest good for the greatest number.

**Use, Accessory:** “A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Use, Conditional (aka Special Use):** A use which, because of special problems of control that the use presents, requires reasonable, but special, unusual, or extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the land-use plan.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Use, Permitted:** A use permitted in a district without the need for special administrative review and approval, upon the satisfaction of the standards and requirements of an ordinance.” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).

**Workforce and Job Training Development Strategies:** the basic component of workforce and job training development strategies initially entails examining the potential employees and existing employers in a community to assess how to best bring them together. Providing the skills needed to obtain a job and addressing additional, often overlooked, issues such as childcare, language training, transportation, and housing, can increase the chances of the workforce of a community in seeking and retaining good jobs. A common goal of economic development and workforce and job training development strategies is to strengthen the local talent pool of workers to match the needs of local and regional employers.

**Zero-Base Budgeting:** this type of budget seeks to encourage non-incrementalist thinking and the re-allocation of resources while maintaining a bottom-up approach to budget development. Zero-base budgeting differs from line-item and performance budgeting on this criterion, and from the Program Planning and Budgeting System (PPBS) on the basis that program managers have a prominent role in the policy-making process.

**Zoning:** “A police power measure in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards” (source: A Planners Dictionary, Davidson, Michael & Dolnick, Fay, Editors; Planning Advisory Service Report Number 521/522; American Planning Association; April 2004).