

**MEMORANDUM**

**TO:** Board of Trustees

**FROM:** Tim Callicrate  
Chair, Board of Trustees

**THROUGH:** Erin Feore  
Human Resources Director

Josh Nelson  
District General Counsel

**SUBJECT:** Review, discuss, and possibly approve a Code of Conduct for Elected and Appointed Officials

**DATE:** September 22, 2022

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**I. RECOMMENDATION**

It is recommended that the Board of Trustees review, discuss, and possible approve a Code of Conduct for Elected and Appointed Officials.

**II. BACKGROUND**

The Board of Trustees discussed adopting a Code of Conduct in 2020 but declined to do so at that time. At its August 31, 2022 meeting, the Board considered an updated version of the Code of Conduct. The Board indicated that it supported moving forward with the revised Code but requested that Mr. Nelson incorporate appropriate edits received from a community member and have Director of Human Resources Feore review and provide feedback on the draft. The enclosed updated version of the Code of Conduct includes these changes. A redline is included to show the changes from the prior version.

**III. FINANCIAL IMPACT**

There is no direct impact from this item.

**IV. ALTERNATIVES**

Not move forward with the Code of Conduct.

**V. ATTACHMENTS**

Draft Code of Conduct  
Redline of Current Draft vs. August 31, 2022 Draft

# CONFORMED VERSION

**INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT  
CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS**

**I. PURPOSE AND APPLICABILITY**

The Board of Trustees has adopted a Code of Conduct for Elected and Appointed Officials (“Code”) to assure public confidence in the integrity of local government and its effective and fair operation, and to foster a professional and courteous working relationship between the Trustees. , and between the Trustees and members of committees of the District and staff. This Code applies to the members of the Board of Trustees (“Trustees”) and to the members of any committee of the District formed by the Board and subject to the Open Meeting Law, including the Audit Committee (“Members”). The Code of Conduct does not apply to members of any General Manager advisory group not subject to the Open Meeting Law.

**II. CONDUCT**

The constant and consistent theme through all of the Code is “respect.” Demonstrating respect for each individual through words and actions is the touchstone that can help guide Trustees and Members to do the right thing in even the most difficult situations.

**A. Elected and Appointed Officials’ Conduct with One Another**

Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may “agree to disagree” on contentious issues.

**1. In Public Meetings**

*Practice civility and decorum in discussions and debate*

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Trustees or Members shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No personal attacks of any kind should be made by a Trustee or Member upon another Trustee, staff, Member, or a member of the public. Trustees and Members should be aware of their body language and facial expression and shall avoid “eye rolling,” “smirks,” or similar actions which demonstrate a lack of respect for the speaker. No shouting or physical actions that could be construed as threatening will be tolerated.

*Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of Trustees or Members on track during public meetings. Trustees and Members should honor

efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure and applicable policy.

*Demonstrate effective problem-solving approaches*

Trustees and Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This does not imply that Trustees or Members cannot dissent if a compromise is not possible.

2. In Private Encounters

*Continue respectful behavior in private*

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

B. Trustees' and Members' Conduct with District Staff

District governance relies on the cooperative efforts of Trustees who set policy, Members who advise the Trustees, and District staff who implement and administer the Trustees' policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. This does not mean that dissent or disagreement is not permitted but that it should be conducted and expressed consistent with this policy.

*Treat all staff respectfully, fairly and professionally*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Demeaning, distrustful, or other unprofessional behavior towards staff is not acceptable.

*Member questions/inquiries to District staff*

1. General. Trustee and Member communications with District staff should be limited to normal business hours unless the circumstances warrant otherwise, including an emergency. Staff will respond to questions or requests for information no later than the end of the next business day.
2. Routine Requests for Information and Inquiries. Trustees and Members may contact staff directly for information made readily available to the general public on a regular basis. For example, "What are the recreation center's hours of operation?", "How does

one reserve a tee time at the golf course?”, or “What is the District policy on \_\_\_\_?”. Staff shall respond to Trustees and Members as they would members of the general public. Trustee or Member shall not use their status to secure preferential treatment, nor shall they give staff direction or instruction related to their performance of duties.. The General Manager does not need to be advised of such contacts.

3. Non-Routine Requests for Readily Available Information. Trustees and members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many utility customers are there in IVGID?”, “How much has the District spent on \_\_\_\_?”, “Please provide me with a copy of the following document(s)\_\_\_\_\_”, or “How did you calculate a number on a financial or accounting document?”)
4. Non-Routine Requests Requiring Special Effort. Any Trustee's or Member's request or inquiry requiring staff to compile information that is not readily available and/or requests staff to express an opinion (legal or otherwise) must be directed to the General Manager, or Legal Counsel, as appropriate. For example, "How many Study Issues completed over the past five years have required 500 or more hours of staff time?" or "Please explain a proposed public works project, bid or matter related to a public works project." The General Manager shall be responsible for assigning such requests to their staff for response; further, the General Manager shall provide the anticipated time in which the request/inquiry will be provided by staff. The designated staff member shall be responsible for responding promptly, but the General Manager and Trustee or Member shall work together to set a mutually convenient schedule for the response.
5. Meeting Requests. Any Trustee's or Member's request for a meeting with staff must be directed to the General Manager or Legal Counsel, as appropriate, except to request a project or information under items 2 or 3 above or as otherwise provided by law or District policy.

*Do not disrupt District staff from their jobs*

Trustees or Members officials should not disrupt District staff while they are in meetings, on the phone, or engaged in performing their job functions to meet their individual needs. Trustees or Members will not attend staff meetings unless requested by staff; even if the Trustee or Member does not say anything, their presence may imply support, show partiality, or hamper staff's ability to do their job objectively.

*Avoid publicly criticizing an individual employee*

Trustees or Members should avoid expressing concerns about the performance of a District employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should be directed to the General Manager through private correspondence or conversation. Trustees or Members may also provide staff performance feedback to the Board of Trustees Chair. For the Board of Trustees, this direction does not apply to the General Manager or Legal Counsel, as they report directly to the Board of Trustees.

C. Elected and Appointed Officials' Conduct with the Public

1. In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Trustees or Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public comment and testimony.

*Engage in active listening*

It is disconcerting to speakers, including public commentators, to have Trustees and Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. No personal attacks of any kind, under any circumstance, are permitted. Trustees and Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

2. In Unofficial Settings

*Make no promises on behalf of the Board, commission/committee or District*

Trustees and Members may be asked to explain a Board or committee action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of District policy and to refer to staff for further information. It is inappropriate to actually or implicitly promise Board or commission action, or to promise staff will do something specific.

*Make no personal comments about other Trustees or Members*

It is unacceptable to blame other Trustees or persons for a vote by a Trustee and a Trustee should always take responsibility for their own votes. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Trustees or Members, their opinions and actions. It is

unacceptable to make any false or inaccurate statements about another Trustee or Member.

#### *Accurately Present Past Decisions*

As the Board and committee acts as a single body, Trustees and Members should not misrepresent or undermine prior decisions outside of a meeting. Trustees or Members may utilize reconsideration or other procedural vehicle to have the Board of Trustees or committee re-evaluate a prior decision. This paragraph does not prevent a Trustee or Member explaining their vote and rationale for any vote.

#### D. Conduct Generally

##### 1. Attendance at Meetings

Trustees and Members should attend all meetings unless they are unable to do so. If a Trustee or Member cannot attend a meeting, they should notify the Chair as soon as possible.

##### 2. Trainings

Trustees and Members should attend all Open Meeting Law, Ethics in Government Law, and other trainings provided by the District. The Board of Trustees may prescribe the required trainings.

##### 3. Compliance with Law

Trustees and Members shall comply with all applicable laws and policies, including the Open Meeting Law, Ethics in Government Law, and NRS 318.

### III. **SANCTIONS**

#### *Trustees' Behavior and Conduct*

Trustees who do not follow proper conduct may be reprimanded or formally censured by the Board or other sanctions as deemed appropriate by Board of Trustees.

#### *Members' Behavior and Conduct*

The Board of Trustees may impose sanctions on Members whose conduct does not comply with applicable law or the District's policies and practices, up to and including removal from office. Any form of discipline imposed by Board of Trustees shall be determined by a majority vote of at least a quorum of the Board at a noticed public meeting conducted pursuant to the Open Meeting Law, including NRS 241.030-033.

*Non-Exclusive*

The above sanctions are non-exclusive and Trustees and Members may be subject to other remedies as provided by District policy or practice or applicable law.



# REDLINE VERSION

# INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

## I. PURPOSE AND APPLICABILITY

The Board of Trustees has adopted a Code of Conduct for Elected and Appointed Officials (“Code”) to assure public confidence in the integrity of local government and its effective and fair operation, and to foster a professional and courteous working relationship between the Trustees, and between the Trustees and members of committees of the District and staff. This Code applies to the members of the Board of Trustees (“Trustees”) and to the members of any ~~commission or~~ committee of the District formed by the Board and ~~otherwise~~—subject to the Open Meeting Law, including the Audit Committee (“Members”). The Code of Conduct does not apply to members of any General Manager advisory group not subject to the Open Meeting Law.

## II. CONDUCT

The constant and consistent theme through all of the Code is “respect.” Demonstrating respect for each individual through words and actions is the touchstone that can help guide Trustees and ~~commission and committee members~~ Members to do the right thing in even the most difficult situations.

### A-A. Elected and Appointed Officials’ Conduct with One Another

Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may “agree to disagree” on contentious issues.

#### 1-1. In Public Meetings

##### *Practice civility and decorum in discussions and debate*

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. ~~This does not allow, however, public officials to~~ Trustees or Members shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No personal attacks of any kind should be made by a Trustee or Member upon another Trustee, staff, Member, or a member of the public. Trustees and Members should be aware of their body language and facial expression and shall avoid “eye rolling,” “smirks,” or similar actions which demonstrate a lack of respect for the speaker. No shouting or physical actions that could be construed as threatening will be tolerated.

##### *Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of ~~members~~Trustees or Members on track during public meetings. Trustees and Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure and applicable policy.

*Demonstrate effective problem-solving approaches*

Trustees and Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. This does not imply that Trustees or Members cannot dissent if a compromise is not possible.

~~2-2.~~ In Private Encounters

*Continue respectful behavior in private*

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

~~B. Elected and Appointed Officials~~ B. Trustees' and Members' Conduct with District Staff

District governance relies on the cooperative efforts of ~~elected-officials~~Trustees who set policy, ~~appointed-officials~~Members who advise the ~~elected~~Trustees, and District staff who implement and administer the ~~Board's~~Trustees' policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. This does not mean that dissent or disagreement is not permitted but that it should be conducted and expressed consistent with this policy.

*Treat all staff ~~as professionals~~ respectfully, fairly and professionally*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. ~~Peer~~Demeaning, distrustful, or other unprofessional behavior towards staff is not acceptable.

*Member questions/inquiries to District staff*

1. ~~General. Board and commission/committee~~ Trustee and Member communications with District staff should be limited to normal business hours unless the circumstances warrant otherwise. ~~Responses, including an emergency. Staff will respond to questions posed outside of normal business hours should be expected no earlier than~~ or requests for information no later than the end of the next business day.

2. Routine Requests for Information and Inquiries. ~~Officials~~Trustees and Members may contact staff directly for information made readily available to the general public on a regular basis ~~(e.g. For example, "What are the recreation center's hours of operation?" or, "How does one reserve a tee time at the golf course?").~~ Under these circumstances staff shall treat the official no differently than, or "What is the District policy on \_\_\_\_\_?". Staff shall respond to Trustees and Members as they would members of the general public, ~~and the official.~~ Trustee or Member shall not use their ~~elected~~ status to secure preferential treatment, nor shall they give staff direction or instruction related to their performance of duties. The General Manager does not need to be advised of such contacts.
  
3. Non-Routine Requests for Readily Available Information. ~~Officials~~Trustees and members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many utility customers are there in IVGID?"). "How much has the District spent on \_\_\_\_\_?". "Please provide me with a copy of the following document(s) \_\_\_\_\_", or "How did you calculate a number on a financial or accounting document?"
  
4. Non-Routine Requests Requiring Special Effort. Any ~~official's~~Trustee's or Member's request or inquiry ~~that requires~~requiring staff to compile information that is not readily available ~~or easily retrievable~~ and/or ~~that~~ requests staff to express an opinion (legal or otherwise) must be directed to the General Manager, or ~~to the~~ Legal Counsel, as appropriate ~~(e.g. For example, "How many Study Issues completed over the past five years have required 500 or more hours of staff time?")~~ "Please explain a proposed public works project, bid or matter related to a public works project." The General Manager shall be responsible for ~~distributing~~assigning such requests to ~~his/her staff for follow-up.~~ their staff for response; further, the General Manager shall provide the anticipated time in which the request/inquiry will be provided by staff. The designated staff member shall be responsible for responding promptly, but the General Manager and Trustee or Member shall work together to set a mutually convenient schedule for the response.
  
- ~~5-5.~~ Meeting Requests. Any ~~official's~~Trustee's or Member's request for a meeting with staff must be directed to the General Manager or Legal Counsel, as appropriate, except to request a project or information under items 2 or 3 above or as otherwise provided by law or District policy.

*Do not disrupt District staff from their jobs*

~~Elected and appointed~~ Trustees or Members officials should not disrupt District staff while they are in meetings, on the phone, or ~~engrossed~~ engaged in performing their job functions ~~in order to have~~ meet their individual needs ~~met~~. ~~Do~~ Trustees or Members will not attend staff meetings unless requested by staff—; even if the ~~elected or appointed official~~ Trustee or Member does not say anything, ~~his or her~~ their presence may imply support, show partiality, ~~and~~ or hamper staff's ability to do their job objectively.

*Avoid publicly criticizing an individual employee*

~~Elected and appointed officials~~ Trustees or Members should avoid expressing concerns about the performance of a District employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should be ~~made~~ directed to the General Manager through private correspondence or conversation. ~~Appointed officials should make their comments regarding staff to the General Manager or the Chair of the~~ Trustees or Members may also provide staff performance feedback to the Board of Trustees Chair. For the Board of Trustees, this ~~paragraph~~ direction does not apply to ~~staff like~~ the General Manager or Legal Counsel ~~that, as they~~ report directly to the Board of Trustees.

G.C. Elected and Appointed Officials' Conduct with the Public

1. In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual ~~members~~ Trustees or Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public comment and testimony.

~~Give the appearance of~~ Engage in active listening

It is disconcerting to speakers, including public commentators, to have ~~members~~ Trustees and Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

No personal attacks of any kind, under any circumstance, are permitted. Trustees and Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

2. In Unofficial Settings

*Make no promises on behalf of the Board, commission/committee or District*

Trustees and Members ~~will frequently~~may be asked to explain a Board or ~~commission/committee~~ action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of District policy and to refer to staff for further information. It is inappropriate to ~~overtly~~actually or implicitly promise Board or ~~commission/committee~~ action, or to promise staff will do something specific.

*Make no personal comments about other ~~members~~Trustees or Members*

It is unacceptable to blame other Trustees or persons for a vote by a Trustee and a Trustee should always take responsibility for their own votes. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other ~~members~~Trustees or Members, their opinions and actions. It is unacceptable to make any false or inaccurate statements about another Trustee or Member.

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##### 2. Trainings

Trustees and Members should attend all Open Meeting Law, Ethics in Government Law, and other trainings provided by the District. The Board of Trustees may prescribe the required trainings.

##### 3. Compliance with Law

Trustees and Members shall comply with all applicable laws and policies, including the Open Meeting Law, Ethics in Government Law, and NRS 318.

### **III-III. SANCTIONS**

~~Councilmembers~~ Trustees' Behavior and Conduct

Trustees who ~~intentionally and repeatedly~~ do not follow proper conduct may be reprimanded or formally censured by the Board or other sanctions as deemed appropriate by Board of Trustees.

~~Commission and Committee~~ Members' Behavior and Conduct

The Board of Trustees may impose sanctions on ~~commission and committee members~~ Members whose conduct does not comply with applicable law or the District's policies and practices, up to and including removal from office. Any form of discipline imposed by Board of Trustees shall be determined by a majority vote of at least a quorum of the Board at a noticed public meeting conducted pursuant to the Open Meeting Law, including NRS 241.030-033.

*Non-Exclusive*

The above sanctions are non-exclusive and ~~members~~ Trustees and Members may be subject to other remedies as provided by District policy or practice or applicable law.

<b>Summary report:</b>	
<b>Litera Compare for Word 11.1.0.69 Document comparison done on 9/22/2022 2:23:09 PM</b>	
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<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> H.2. - IVGID Code of Conduct-cl.docx	
<b>Modified DMS:</b> iw://bbklaw-mobility.imatech.com/IMANAGE/40710596/3	
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<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>168</b>