

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Study Session Worksheet

Presentation Date: October 29, 2013 **Start Time:** 10:30 a.m. **Length:** 1 hour
Presentation Title: Advisory Boards and Commissions Recruitments and Guidelines
Department: County Counsel and Public and Government Affairs
Presenters: Stephen Madkour and Gary Schmidt

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Does the Board of County Commissioners (BCC) want to revise or update the Advisory Boards and Commissions (ABC) process in one or all of the following ways?

- Require the recruitment process to begin 60 days prior to term expiration.
- Involve the BCC in interviewing candidates for all or some ABCs.
- Create or remove term limits for ABC members.
- Require returning members to re-apply for additional terms.
- Create standard bylaws for ABCs.

EXECUTIVE SUMMARY:

There are 52 Advisory Boards and Commissions (ABCs) which advise the BCC and county staff. All ABC's have staff liaisons responsible for coordinating, recruiting and handling of administrative tasks.

Typically, ABC recruitments are initiated via staff liaison contact with Public and Government Affairs (PGA) staff. Recruitments are widely advertised through the County website, media release, CPO/Hamlet and Village notice, Citizen News, Facebook and Twitter posting along with online posting to the County Citizen Involvement website. Applicants are reviewed by County staff and/or designated members of each specific ABC. There is no uniform process for selecting ABC members.

Presently, staff recommends an ABC appointment to the BCC. In addition, the names and application materials for every applicant are forwarded to the BCC for review and consideration. The BCC may choose to further interview candidates, accept the staff recommendation, or ask staff to revisit the process and forward other recommended appointees.

Historically, the procedure for filling ABC vacancies varies dramatically and is not tied to an established or written policy, but has been conducted in a manner to provide the BCC flexibility to select and appoint the most qualified candidates. Staff liaisons work closely with their ABC members to recommend qualified applicants per the needs of the individual ABC.

Each ABC may create its own bylaws, which include term limitations. These bylaws are maintained in the custody and control of the staff liaison. Proposed revisions to these bylaws are submitted by the staff liaison directly to BCC for approval. Not all ABCs choose to have bylaws.

Some ABCs have scope and responsibilities that require subject matter expertise and place a premium on ongoing experience of service. Many work cooperatively with the BCC or other county elected officials on matters of policy. These include, for example,

the Budget Committee, the Planning Commission and the Board of Property Tax Appeals.

FINANCIAL IMPLICATIONS:

N/A

LEGAL/POLICY REQUIREMENTS:

As a general rule, all ABCs appointed by the Board are subject to Oregon's Public Meetings Law and Public Records Law.

The Public Meetings Law applies to meetings of the "governing body of a public body." ORS 192.630(1). A "public body" is the state, any regional council, county, city or district, or any municipal or public corporation. A "public body" is also a board, department, commission, council, bureau, committee, subcommittee or advisory group of any regional council, county, city or district, or any municipal or public corporation. ORS 192.610(4). A body that has authority to make recommendations to a public body on policy or administration is a governing body. ORS 192.610(3).

An advisory body may be appointed by a local government agency or official. If that advisory body does not exercise other governmental powers, it is a governing body only if its recommendations are made to a "public body." As long as the advisory body is itself a "governing body" of a "public body," the fact that its members may all be private citizens is irrelevant. Thus, the scope of the Public Meetings Law extends even to private citizens, employees and others without any decision-making authority, when they serve on a group that is authorized to furnish advice to a public body.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Public and Government Affairs strives to ensure a full, open and transparent recruitment process and works closely with ABC staff liaisons to provide timely recommendations to the BCC.

OPTIONS:

1. No change. Allow ABCs to follow current recruitment processes with individual establishment of bylaws.
2. Require the applicant recruitments to begin at least 60 days prior to an ending term.
3. Invite the BCC to conduct applicant interviews for all ABC's.
4. Invite the BCC to conduct applicant interviews for certain pre-identified ABC's.
5. Create specific term limits for all ABC's to two consecutive terms.
6. Remove term limits for some or all ABCs
7. Allow each ABC to set its own term limits as specified in their individual bylaws, approved by the BCC.
8. Require applicants to submit an application regardless of prior participation.
9. Only require new applicants to an ABC to complete an application.
10. Require all ABCs to adopt uniform bylaws.

11. Encourage ABCs to adopt bylaws but do not require.

RECOMMENDATION:

Staff recommends:

- Option 2 requiring all candidate recruitments to begin at least 60-days prior to the expiration of term.
- Option 4 that BCC conduct candidate interviews for certain ABC's of the BCCs choosing. The BCC may want to interview candidates for: Planning Commission; Budget Committee; NCPRD Advisory Board; CCSD#1 Budget Committee.
- Option 7 allowing ABC's to set their own term limits as specified in their bylaws. The BCC is the ultimate decider of how long a member serves on an ABC.
- Option 8 requiring all members seeking appointments to ABC's to complete an application, including re-appointments.
- Option 11 asking ABCs to adopt uniform bylaws but not requiring this action, as it is not necessary for all ABCs.

ATTACHMENTS:

Flow chart of ABC operations and sample bylaws.

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval s/Gary Schmidt

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Gary Schmidt @ 503-742-5908

Advisory Board and Commissions recruitment process

How successful appointments work

This diagram has been crafted to allow you - the department/liaison - to navigate through the process of the Appointed/Advisory Boards and Commissions, which are eventually approved by the Clackamas County Board of County Commissioners. It is intended to be an easy process. Questions? Call Public and Government Affairs, 503-742-4353

1.

Vacancy occurs, prompting department liaison to draft release with existing language; Public and Government Affairs (PGA) distributes (include a deadline) to website, media, Facebook, Twitter, community planning organizations, hamlets and villages, and the Board of County Commissioners (BCC).

2.

Applications come in - online, by fax, mail or hard copy - to the liaison (that's you) to line up interviews for your department and the board/committee members. (If you are reappointing people to the second term, you may not need to conduct recruitment.)

3.

Keep the applications on file. You keep the applications rather than PGA. Start a file - with all applications, a matrix of the board or commission and record of their interviews.

4.

Send two packets to PGA to prepare for the BCC. Two copies must be submitted to PGA on Tuesday by noon. The BCC will (nearly always) approve them on the following Tuesday. Check with PGA (503-742-4353) to see if the applicants were approved. Be ready to supply extra information to answer questions.

5.

Remember that you are acting as an extension of the BCC. The BCC may still want to know more or they may request that you appoint someone else. Be accommodating any time you can.

6.

You're done! PGA sends the successful applicant letters ("Congrats, you've won") while you/the department notify the unsuccessful applicants. Be cheerful and encourage them to find another potential spot on any of the other boards or commissions. Thank them for applying - or keep his/her application for next time.



Model Bylaws

ARTICLE I

Section 1. **NAME.** The name of the organization shall be the (Name) of the Advisory Board or Committee. (Referred to herein as the (Name)).

ARTICLE II

Section 1. **BOUNDARIES.** The boundaries of the (Name) shall be the same as those established by Clackamas County. A map defining those boundaries is attached hereto as Exhibit "A" and incorporated into these bylaws by this reference. These boundaries take into account natural boundaries, commercial patterns, community organizations and historic factors.

ARTICLE III

Section 1. **PURPOSE.** The purpose of the (Name) is to serve the residents within the boundaries of the (Name) in matters concerning _____ e.g. community development, land use and community issues in general.

Section 2. **GOALS.** The goals of the (Name) are as follows:

- a. Involve area residents in the _____.
- b. Provide a line of communication between area residents and the Board of County Commissioners, and other public bodies.
- c. Act as an advisory board to the Board of County Commissioners, and others on matters affecting areas within the boundaries of the (Name).
- d. Assist County with _____.
- e. Develop planning proposals with respect to land use, zoning, parks, water resources, open space and recreation, annexation, housing, community facilities, transportation and traffic, community services, and other factors affecting the livability of the area within the boundaries of the (Name).
- f. Protect the character of the area by maintaining a vigilant posture to sustain a safe, healthful, and pleasant quality of life.
- g. Take such action as necessary by speaking out as a non-partisan group in support of the (Name) objectives.
- h. Be fully responsive to the comprehensive needs of the area and to take action as may be necessary in support its objectives.

ARTICLE IV

Section 1. MEMBERSHIP. Volunteer v appointed

Appointed: As appointed by the Board of County Commissioners.

Volunteer: Membership in the (Name) shall be open to anyone 18 years of age or older who is a resident of the recognized area, a property owner within the recognized area, or a designated representative of a business, corporation, or trust within the recognized Name area. Membership shall not be limited by race, creed, color, sex, age, heritage, national origin or income. Membership will be granted upon signing the official membership register. All new members signing up will be required to show proof of eligibility. Participation is by individual initiative rather than by governmental invitation. The (Name) is participatory rather than appointive.

Section 2. VOTING. To vote in any election or on any item, a member must:

- A. Comply with the membership qualifications;
- B. Be of legal voting age;
- C. Have registered at one previous meeting during the past twelve months.
- D. Action by the (Name) shall be by a majority vote of the qualified membership present at any regular or special meeting for which proper public notice is given and at which a quorum is present. The vote shall be verified by the Chairperson. The results of the voting shall be reported as required by ORS 192.650(1)(c) and made part of them meeting minutes as follows:
 - a. If the number of members exceeds 25 then the vote of the members shall be reported numerically.
 - b. If the number of members is 25 or less then the vote of each member shall be reported by name.

Proxy votes shall not be allowed.

In cases where response deadlines preclude action at a regular or special meeting, the CPO may delegate responsibility for taking action to the Board. Action shall be taken at a public meeting with proper notice.

ARTICLE V

Section 1. OFFICERS. The officers of the (Name) shall include the following:

- a. Chairperson or President: Presides at all meetings. May represent the community at all conferences or activities involving organizational planning and coordinating.

- b. Vice-Chairperson or Vice-President: Presides over meetings during the absence of the President. Is a member of the organization and works with the President and other members of the organization on inter-organizational planning and coordinating.
- c. Secretary/Treasurer: Keeps minutes and attendance records of all membership and committee meetings. Keeps a file of all correspondence and records available for public inspection and review in compliance with state statues regarding public access. Will serve as treasurer, as needed, by recording funds, if any, and reporting same to the organization.
- d. Area Representatives: (Optional) Four (or more) elected members who shall represent geographic areas within the boundaries of the organization.

The (Name) shall provide the County Public and Government Affairs Department with a current list of officers.

Section 2. SELECTION OF OFFICERS. The first election shall be held at the first meeting of the (Name). After the first election, the election of officers of the (Name) CPO shall be held in conjunction with the annual meeting. Members shall assume their duties immediately upon election to office. All members are eligible for election to officer positions. The Chairperson shall not vote for an officer except in the event of a tie when the Chairperson shall cast the deciding vote. Proxy votes shall not be allowed.

Section 3. TERM OF OFFICE. The term of office for all officers shall be one (1) year, however, the officer shall continue to serve until a successor is elected or appointed to that office.

Section 4. VACANCIES. A vacancy occurs when an officer dies, resigns, is removed, or has more than two (2) unexcused absences from meetings. A vacancy shall be filled by appointment by the Board of County Commissioners. The person appointed to fill the vacancy shall serve the remainder of the unexpired term and until a successor is elected or appointed to that office.

Section 5. NOMINATING COMMITTEE. A Nominating Committee shall be appointed by the Chairperson at least thirty (30) days prior to the annual meeting. This committee shall present its recommended list of candidates to the Board of County Commissioners. If possible there shall be at least two (2) people nominated for each office. No person may be confirmed as a nominee without the permission of the nominated person.

Section 3. DUTIES OF THE OFFICERS. The duties of each officer is as follows:

a. **Chairperson:** The Chairperson shall preside over all meetings of the (Name) and shall co-sign for all authorized expenditures, appoint committee heads and have the responsibility of the performance of such duties as prescribed in these bylaws. The Chairperson shall act as an ex-officio member of all committees.

b. **Vice-Chairperson:** The Vice-Chairperson shall aid the Chairperson and perform the duties of the Chairperson in his/her absence or disability. The Vice-Chairperson may also co-sign for authorized expenditures in the event the Chairperson or Treasurer is absent.

c. **Secretary:** The Secretary shall keep accurate records of all meetings of the (Name). The minutes shall be made available to any member or the public as required by the Oregon Public Records and Meetings Law. The Secretary shall handle all correspondence of the (Name). The Secretary shall be responsible to maintain the membership registry required by these bylaws.

d. **Treasurer:** The Treasurer shall maintain an accurate record of all income and expenses of the (Name) and co-sign authorized expenditures. The Treasurer may maintain a bank account, if applicable, and present a statement of account at every meeting. The Treasurer's records shall be made available to any member or the public as required by the Oregon Public Records Law.

ARTICLE VI

Section 1. MEETINGS. Meetings of the (Name) shall be held in accordance with the Oregon Public Meetings Laws. Meetings shall be held no less than twice per year, with the annual meeting being held once per year for the purpose of electing officers and such other business as deemed necessary. The Chairperson may call special meetings at any time upon the request of two (2) of the officers or any five (5) members of the (Name). The time and location shall be determined by the (Name). Notice of all meetings shall be provided as required by ORS 192.640 of the Oregon Public Meetings Law. Minutes of all meetings shall be kept and shall be available for public inspection as required by ORS 192.650 of the Oregon Public Meetings Law. A copy of all meeting minutes shall be provided to the County Public and Government Relations Office.

Section 2. QUORUM. A quorum consists of five (5) voting members of the (Name), of which at least two (2) are officers. A quorum shall be present at a meeting in order for the (Name) to transact business.

Section 3. RECORDS. All records of the (Name) shall be subject to disclosure except as allowed by exemptions of the Oregon Public Records Law.

ARTICLE VII

Section 1. HEARING PROCESS AND PROCEDURE. The principles of parliamentary rules of procedures such as Robert's Rules of Order shall govern proceedings at any meeting of the (Name). The Chair shall be guided by these principles in deciding any procedural questions. The Chair's decision on procedural matters may be overruled by a majority of the members voting on the question. The (Name) may establish a more detailed hearing procedure to provide for an orderly process for holding a public hearing. All meetings shall comply with the Oregon Public Meetings Law.

ARTICLE VIII

Section 1. COMMITTEES. The (Name) may create committees as required to promote the purposes and objectives of the (Name). A chairperson for each committee shall be selected by the (Name) Chairperson.

ARTICLE IX

Section 1. DISSOLUTION. The (Name) shall be considered inactive if it fails to meet the requirements of these bylaws. An inactive shall be dissolved and will no longer be recognized by the Board of County Commissioners. Should the (Name) be dissolved, disbursement of the (Name) funds, if any, shall be to a non-profit organization, preferably within the (Name) area. This organization shall be selected by the (Name) membership in attendance at the final meeting. Funds provided to the (Name) by the County shall be returned to the County upon dissolution of the (Name).

ARTICLE X

Section 1. AMENDMENTS. These by laws may be amended. Proposed amendments shall be submitted to the County Counsel for approval. Upon approval of the County Counsel, the proposed amendments shall be approved by the members of the (Name). However, the amendments shall not be in effect until approved by the Board of County Commissioners and that approval has been communicated back to the Chairperson.

The amended bylaws shall supersede all previous bylaws and become the governing rules for the (Name). To be eligible to vote for any amendment, a member must have been previously registered in attendance to at least one meeting during the previous twelve (12) months.