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# **LOS ALAMOS** **COUNTY BOARDS AND COMMISSIONS** **PROCEDURAL RULES**

## **I. FOREWORD**

These rules are referenced in the County Code Section 8.15 and adopted as a set of operating procedures for all Boards or Commissions, unless otherwise provided by law. The rules are made to facilitate the orderly transaction of public business and discussions. Quasi-judicial hearings conducted by boards or commissions shall be governed by separate rules. Where there is a conflict between these rules and the quasi-judicial hearing rules, the quasi-judicial rules shall prevail.

These rules shall remain in effect until rescinded or superceded by action of the Council or by an action of the board or commission that is officially approved by Council.

## **II. OFFICERS AND MEMBERS**

1. Election. The Board or Commission shall annually elect a chairperson (herein after called "chair") and a vice-chair from among its members. Each Board or Commission will set the time frame for this election. The chair and vice-chair will serve at the pleasure of the Board or Commission and will be eligible for election to subsequent terms.
2. Chair. The chair shall preside at Board or Commission meetings. In addition, the chair shall:
  - a. represent the board or commission in public and, when authorized by the board or commission, speak and act on behalf of the board or commission;
  - b. communicate and follow up with Council on the activities and recommendations of the board or commission;
  - c. keep Board and Commission members informed of events, meetings or other occasions where the Chair acted or will act as the official spokesperson for the Board or Commission;
  - d. ensure that all other Board or Commission members are informed, as soon as practicable, of significant communications directed to the chair. This includes responses from the Council to all board or commission reports or recommendations submitted to Council;
  - e. appoint a board or commission member to serve as chair in the absence of the chair and vice-chair when the chair and vice-chair are on travel or otherwise unable to perform their duties;
  - f. meet regularly with the assigned Department Director;
  - g. meet regularly with the assigned Council liaison;
  - h. make appointments to sub-committees or task force groups, subject to approval by the board or commission;
  - i. set the agenda for board and commission meetings in consultation with the staff liaison or department director;
  - j. take responsibility for initiating action on directives from the County Council;

- k. prepare annually the board and commission work plan, in consultation with the staff liaison and department director, subject to board and commission approval;
  - l. attend the regular board and commission chairs' luncheon or designate another board or commission member to attend;
  - m. call special meetings; and
  - n. assign work to board or commission members.
3. Vice-Chair. The vice-chair shall assist the chair in the performance of the duties of the chair, and act in the chair's place when the chair is absent from Los Alamos County or otherwise unable to perform the duties of the chair.
4. Board or Commission members.  
Board or Commission members, including the chair and vice-chair, have equal powers and duties except as otherwise specified in the board or commission enabling legislation and these procedural rules. The chair and vice-chair shall participate in discussion and voting on a basis equal to all other board or commission members. In addition to the duties specified in the board or commission enabling legislation, board or commission members shall, to the extent possible:
- a. stay informed of County policies;
  - b. in all public statements, make clear that they speak only for themselves unless authorized by the board or commission to speak for the board or commission as a whole (See Procedural Rules Section VI);
  - c. represent the official policies or positions of the County or the board or commission to the best of their ability when designated as a delegate for such purpose and report to the board or commission on meetings or functions to which they served as a delegate;
  - d. maintain the confidentiality of County records and other information that is made confidential by law, is privileged, or has otherwise appropriately been identified as confidential and may be withheld from public inspection;
  - e. comply with all applicable federal, state and local laws, rules and regulations applicable to public officials and the conduct of public business, including compliance with the NM Inspection of Public Records Act and county policies regarding the inspection of public records;
  - f. respect and adhere to the Council-Administrator structure of the Los Alamos County government and shall not interfere with the administrative functions of the county or the professional duties of the County staff; nor impair the ability of staff to implement Council policy decisions;
    - i. Board or commission members shall not lobby for or against County employment of any person. Providing information is permissible.
    - ii. Board or commission members shall not give direction to any of the subordinates of the County Administrator, either publicly or privately and shall copy the appropriate department head and County Administrator on any written communication to a staff member. Nothing in these rules should be interpreted as prohibiting normal social interaction unrelated to County business between board and commission members and staff
  - g. treat staff respectfully; and
  - h. abide by quasi-judicial procedures when serving in a quasi-judicial capacity.

5. Ex-Officio Members

Department representatives designated as “ex-officio members” shall attend board or commission meetings and participate in the discussion as a non-voting member. Staff may advocate a particular position on potential board or commission actions consistent with Council policy directives, initiatives and goals.

**III. REMOVAL OR RESIGNATION**

1. Removal. Board or commission members serve at the pleasure of the County Council and may be removed for any reason at any time by a majority vote of the Council. The Chair of the Board or Commission, the Council liaison, or the County Administrator may recommend consideration of a member’s removal to the County Council. The reasons for removal may include, but are not limited to:
  - a. Continuous absences from all regularly scheduled meetings. Members who impair the proper functioning of the board or commission due to their constant inability to attend meetings or to participate in board or commission activities may be removed from the board or commission.
  - b. Misconduct at meetings. Members whose actions seriously interrupt the orderly process of said meetings may be removed from the board or commission.
  - c. Neglect of duty. Members who intentionally disregard duly assigned tasks or repeatedly fail to carry out the responsibilities expected of a Board or commission member may be removed from the board or commission.
  - d. Ineligible to Serve. Members who do not maintain the eligibility requirements for appointment to the board or commission may be removed.
  - e. Insubordination. Members who fail to accept direction from the County Council.
2. Resignation. Board or commission members may resign by giving appropriate written notice of resignation. Notice of intent to resign should be provided in writing to the County Council with a copy to the board or commission chair. The chair shall notify the entire board or commission, the County Administrator’s Office, and the Department Director of the resignation within one week. A board or commission member who resigns his or her position may apply for re-appointment provided the member has not served two terms in succession. (See also County Code Section 8-6 (4).)

**IV. BOARD MEMBER INTERVIEWS AND RECOMMENDATIONS TO COUNCIL**

1. Los Alamos County residents may apply to serve on one of many Boards or Commission. Terms for Board or Commission members range from one to five years. Interested citizens may apply for a position on any Board or Commission that has a vacancy.
2. After completing an application, individuals are interviewed by the Board or Commission’s Councilor Liaison, Staff Liaison, and Board or Commission Chair (“Interview Committee”).
3. The Interview Committee is responsible for making a recommendation(s) for appointment to the County Council.

4. If the Interview Committee does not have a recommendation for appointment, it shall interview more applicants until an agreed-upon recommendation of the Interview Committee can be made to County Council.
5. The Interview Committee shall document its interview process which shall include details about who it interviewed, for which positions, and who was/was not recommended for which positions. This document shall be maintained by the Staff Liaison, and made available to Council upon request.
6. The Interview Committee's agreed-upon recommendation shall be forwarded to and considered by County Council along with all of the applicants' information, including the applications and the Interview Committee's interview notes.
7. Board and Commission Member appointments require a majority vote of the County Council.

#### **IV. BOARD OR COMMISSION MEETINGS**

1. Regular Meetings and other meetings.
  - a. Frequency of meetings. The schedule and/or frequency of the regular meetings of the board or commission shall be set by its members or as designated in its enabling legislation.
  - b. Meeting notification. Notification of regular meetings shall be made by the chairman or designee in advance of each regular meeting and in accordance with current council policy regarding the length of time required for adequate public notice. When possible, such notification shall be in the form of the board or commission's agenda following the format provided below. Meeting notification shall also include a description of the accommodations that can be made for disabled individuals.
  - c. Open Meetings. The board or commission shall comply with the annual Council resolution regarding open meeting requirements. The meetings of a board or commission shall be open to the public as specified in the county resolution except when the chairman, or a majority of regular members of the board or commission, determines that a topic requires confidential discussion as defined in the New Mexico Open Meetings Act. The chairman, or a majority of members, may call for a closed session for the purpose of such discussion and action. This request is subject to legal review and approval by the County Attorney. All final board or commission decisions must be voted upon in public.
  - d. Emergency or Special Meetings. The board or commission shall comply with the annual Council resolution regarding special or emergency meetings.
  - e. Meeting agenda
    - i. The board or commission chair, in consultation with their staff liaison is responsible for developing the board or commission meeting agenda. Agendas for all board or commission meetings will be posted in accordance with the Council's annual Open Meetings Resolution.

- ii. Any board or commission member may request to have an item placed on the agenda. The item will be placed on the agenda as soon as practicable. The board or commission can then:

- a) decide to take no further action;
- b) take the requested action or a different action at that meeting; or
- c) request that staff research the matter and return to the board or commission with information and/or options or a recommendation for action.

- iii. A typed agenda shall be prepared for each board or commission meeting. The agenda shall include the following (in suggested order):

- a) Call to Order/Roll Call
- b) Public Comment (Limited to items not already on the agenda and can be limited to 4 minutes per person)
- c) Public Hearings (if applicable)
- d) Board or Commission Business
  - i. Approval of board or commission minutes
  - ii. Chairman's report
  - iii. (Other topics)
- e) Board or Commission/Staff Communications
  - i. Action Items
  - ii. Staff Reports
  - iii. Committee or Sub-committee Reports
- f) Public Comment
- g) Informational Items - set date/time and agenda for next meeting (if applicable)
- h) Adjournment

- iv. Publication of agenda. In addition to the notice in the regular board or commission meeting calendar prepared by the County Administrator's office, it shall be the responsibility of the board or commission staff liaison, or designee, to provide a copy of the agenda to the news media within the time provided under the County's annual Open Meetings Act resolution as a means of notifying the public of all board or commission meetings. A board or commission meeting announcement shall also be posted at the County Municipal Building.

## 2. Conduct of meetings.

- a. Presiding officer. The chair is the presiding officer of board or commission meetings and shall conduct the meetings of the board or commission and see that these procedural rules are observed. In the chair's absence, the vice-chair shall preside.
- b. Robert's Rules. Meetings of the board or commission shall, in general, be conducted in accordance with Robert's Rules of Order, Newly Revised, 10<sup>th</sup> Edition, except to the extent these procedural rules require otherwise. The board or commission may elect to follow an alternative procedure at any time or with regard to any matter for the purpose of facilitating the orderly transaction of public business.

- c. Civility. It is the responsibility of the presiding officer to assure that the board or commission meeting is carried out in a civil manner. The chair may require that any person, including a board or commission member, yield the floor in order to maintain civility. Board and commission members are expected to refrain from making offensive comments.
- d. Order of presentation. For each item on the agenda, other than reports provided in writing, there will usually be a presentation by the staff, committee, citizen or other person who is bringing the matter forward. Board or Commission members will be given the opportunity to ask clarifying questions, as well as an opportunity to make statements. For all business items and public hearings, public comment will be invited on each item prior to voting on the motion with respect to that item.
- e. Motions. If a subject on the agenda will require action by the board or commission, the best practice is to engage in discussion only after a motion is made and seconded. The discussion should be focused on the motion under consideration. The chair may, however, allow discussion prior to the time a motion is made to allow a full discussion of a broad topic.
- f. Recognition to speak. Board and commission members will speak after being recognized by the presiding officer. Board or commission members, other than the presiding officer, shall be recognized to speak in the order in which the members indicate an interest in speaking. Each board or commission member is encouraged to speak only once with respect to the motion on the floor, but the presiding officer may recognize members to speak a second time on a topic if time allows and the board or commission members wish to make additional comments. The presiding officer may, to assure the timely completion of the meeting, limit the remarks of a board and commission member addressing a particular motion to four (4) minutes. The presiding officer will normally make his or her remarks after all of the other board or commission members have been given an opportunity to speak at least once.
- g. Four (4) Minute rule. Any board or commission member can enforce the four (4) minute rule (limiting an individual's right to speak to four minutes or less) as a point of order.

### 3. Voting

- a. Boards or commissions shall observe the following procedures in voting:
  - i. Only regular members of a board or commission shall have the privilege of voting on matters or questions under consideration by the board or commission
  - ii. Each regular member, including the chairperson, shall have one vote.
  - iii. Proxy voting is not allowed.
  - iv. Members who have a financial interest in the outcome of any policy, decision, or determination shall not participate as a member in deliberations, vote, nor act on the issue in which they have an interest, as stipulated in Article 910 of the County Charter. Otherwise, every board or commission member present shall vote when called upon without abstention or passing.
  - v. Votes shall be taken only on issues that have been clearly defined, moved and seconded.
  - vi. Except as otherwise provided by law, discussion shall be encouraged after a motion has been made and seconded.
  - vii. All votes, except on procedural motions, shall be conducted by roll call vote, by voice or a show of hands.

- viii. Unless otherwise provided by law, a motion shall carry upon the affirmative vote of the majority of the total number of appointed voting members of a board or commission. (See County Code Section 8-6 (4).)
  - ix. The results of all votes shall be announced and duly recorded in the minutes.
- 5. Public comment and testimony. While maintaining a business-like atmosphere, board and commission members will attempt to make citizens attending the meetings feel welcome and comfortable. Citizens or other attendees will be afforded opportunities to speak during public comment periods near the beginning and at the end of each meeting, and to provide testimony at the public hearings. Public comment opportunities will be provided during the meeting for each item on the agenda before action is taken. The presiding officer may apply reasonable time limits. With regard to topics not on the agenda that are raised during public comment, the Board or commission may not take any action other than to request the topic be placed on a future agenda.
- 6. Minutes. The board or commission shall keep written minutes of all meetings. The minutes shall include, at a minimum, the date, time and place of the meeting; the names of members in attendance and those absent; the substance of the proposals considered; and a record of all decisions and votes taken which show how each member voted. It may be useful, although not required, to also record the other persons invited or present who participate in the deliberations.
  - a. Draft minutes are to be prepared within ten (10) working days after the board or commission meeting. Copies of the draft minutes must be available for public inspection and should clearly indicate on the draft that they are not the official minutes and are subject to approval by the board or commission. If a board or commission member wishes to request a change to the draft minutes, the suggested revisions must be specifically indicated, verbally or in writing, by page and line number.
  - b. The board or commission must approve, amend, or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until approved by the board or commission. After approval by the board or commission, the board or commission chair will sign the minutes.
  - c. The signed copy of board or commission minutes shall be maintained in accordance with the county's record retention schedule by the staff liaison. A copy of the board or commission minutes will be sent to the County Administrator's Office to be temporarily maintained for Council review.
- 7. Implementation of Board or Commission Meeting Actions. The Chairman of the board or commission shall make all board or commission recommendations to the Council by memorandum, e-mail, or formal report. Copies will be sent to the Department Director and staff liaisons including requests for comments to Council on the recommendations. The Chair will report the decision/recommendation of the majority of the board or commission. A significant minority position may be reported if a majority of the board or commission directs its Chair to include the minority position in the report. Whenever the Council wishes, it may request a report of the board or commission. Reports to the County Administrator or Department Director will be in a form as requested by the

Administrator or Department Director.

- a. County departments may provide staff reports to the County Council, through the County Administrator, regarding board or commission actions. Such reports may supplement, agree with, or take positions opposed to, the recommendations of the board or commission. If a staff report is prepared relating to a board or commission recommendation or activity, a copy of the report shall be provided in a timely manner to the chairperson of the board or commission before the report is presented to the County Council.
  - b. Conflicts associated with the relationship between a board or commission and staff shall be expeditiously referred in writing to the County Administrator.
8. Public Records. The New Mexico Inspection of Public Records Act, NMSA 1978 Sections 14-2-1, et seq. (the Act), requires governmental agencies to make their records available to the public with limited exception. "Public records" means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained. Board or commission members should be aware that the documents, **including e-mails**, they have received or created on behalf of the County will generally be subject to disclosure pursuant to the Act.
- a. It is the general policy of the County to respond in a courteous and timely manner to all requests for public records and information made pursuant to the Act. The County has implemented an administrative policy and procedure (Administrative Procedure Guideline, Index #0280) to respond to requests for documents and information. Board or commission members should make themselves familiar with the policy so that they will avoid possible violation of the Inspection of Public Records Act.

## **VI. BOARD AND COMMISSION SUBCOMMITTEES AND AD HOC COMMITTEES**

### **1. Subcommittee Purpose and Council Approval**

Periodically, a board or commission may establish a subordinate limited-term subcommittee to advise and make recommendations to the board or commission, to perform additional research on, or to gather public input for a particular project or specific topic in the area of responsibility of the board or commission. To create subcommittees or task forces that will include members not currently serving on the board or commission, approval of the Department Director and County Council must be obtained prior to creation.

### **2. Subcommittee Creation.**

The motion creating a subcommittee must, at a minimum, set forth the following:

- a. The name of the subcommittee
- b. The purpose of the subcommittee
- c. The deliverable or product, if any, to be presented upon completion of the purpose



- d. The number of members
- e. The term of each of the members
- f. To whom the subcommittee reports
- g. The staff support and resources expected to be provided
- h. The termination date ("Sunset Clause") for the subcommittee

3. Subcommittee Membership.

- a. Number of Members. Except under unusual circumstances, a subcommittee will consist of not less than 3 members nor more than 5 members. Requirements for subcommittee membership will be determined by the board or commission and can include volunteer citizens that are not currently serving as members of the parent board or commission, subject to Council approval.
- b. Residency Requirement. Preference will be given to residents of Los Alamos County in appointment to a subcommittee, but residency will not be a requirement for appointment.
- c. Open Meetings Act. If the number of regular B&C members on the subcommittee is equal to or greater than a quorum of the B&C, then the subcommittee must comply with Council's annual Open Meetings Act resolution.
- d. Councilor Membership. A subcommittee's purpose is to advise the board or commission. In order to assure that advice is provided in a free and open discussion, no currently serving Council member will be appointed to serve on a board or commission subcommittee. Service, even ex-officio, by a currently serving Councilor will not, except in unusual circumstances, be allowed.
- e. County Employee Membership. Charter Section 905.1 limits membership by County employees.
- f. Conflict of Interest. County Charter Section 910 sets forth the restrictions on service arising from conflicts of interest. Compliance with the Charter is required when appointing members to a board or commission subcommittee.
- g. Term of Membership. Ad hoc committees and subcommittees, by their very nature, are generally short lived. Therefore, the term of all members of an ad hoc committee will be the same and no more than six months. The members of subcommittees can serve staggered terms of no more than two years.
- h. Voter Registration Status. Preference will be given to registered voters but registration as a voter will not be a requirement for appointment as a member of a board or commission subcommittee.

4. Subcommittee Reporting Responsibility and Requirements.

- a. The motion creating the subcommittee will specify to whom the subcommittee specifically reports. All subcommittee communications, reports, or recommendations will be made to the standing board or commission.

- b. The Chairman of the subcommittee will make or prepare subcommittee reports to the board or commission. The Chairman will report the decision of the majority of the subcommittee. A significant minority position may be reported if a majority of the subcommittee directs its Chairman to include the position in the report. Whenever the board or commission wishes, it may request a report of the subcommittee.

5. Subcommittee Staff Support/Resources.

- a. Prior to the passage of a motion creating a new subcommittee or renewing the term of an existing subcommittee, the board or commission will identify with specificity the resources to be committed by the County in support of that subcommittee. The appropriate County Department Director shall have the authority to determine what, if any, administrative or staff support will be provided to a board or commission subcommittee.

6. Subcommittee Term of Existence.

- a. Each subcommittee will have a specific date when its term will end (a.k.a. "Sunset Clause"). The purpose of a limited term is to encourage review for relevancy, duplication, focus, enhancement and performance. Sunset clauses are recognized as useful to reconfirm the need for the services of an existing subcommittee and to assure that administrative support is being supplied in the manner best suited to the subcommittee's needs.
- b. Each sub-committee shall be established for a period of not more than one year; however, the subcommittee may be continued for additional one-year periods upon affirmative vote of the board or commission taken before the expiration of the sub-committee.

7. Board or commission Ad hoc Committees.

- a. Establishment and expiration of ad hoc committees. Boards or commissions may establish an ad hoc committee at any time the board or commission finds that there is a need for "one-time-only" advice to carry out a specified task. Ad hoc committees shall be appointed by motion and vote of the board or commission. At the time an ad hoc committee is established, the task to be completed by the committee shall be clearly stated. The ad hoc committee shall cease to exist upon the completion of the described task or the expiration of six (6) months, or another date agreed upon by the board or commission, whichever is earlier. To reestablish an ad hoc committee once it has ceased to exist, the board or commission must review the assignment made to the ad hoc committee and reestablish the ad hoc committee, as the board or commission finds necessary or desirable.
- b. Membership. Appointments, on a voluntary basis, to ad hoc committees will be made at the time the ad hoc committee is established unless the board or commission determines that there is good reason to select and appoint members on an alternative basis. Ad hoc committees shall be comprised of no more than three (3) board or commission members. The board or commission may request that staff

be assigned to assist the ad hoc committee as a resource, however this request will require Department Director approval; staff members, if assigned by the Department Director, will act as ex-officio members.

## **VI. CLARIFYING STATEMENT**

A board or commission member may attend any meeting, public or private, provided that there is not a quorum of the board or commission at the meeting (if proper public notice has not been given) and provided that, prior to speaking on a matter of the board or commission business, or County business in general, the board or commission makes the Clarifying Statement below:

*“What I say today is my opinion. I am not speaking on behalf of any board or commission or the County and I cannot tell you what action the County or County Council might take in the future with regard to any particular subject.”*

This provision is not intended to apply to ordinary conversations or other “meetings” that are not organized or called.

## **VII. EXPENDITURE OF PUBLIC FUNDS**

Boards or commissions cannot expend funds or create liabilities unless expressly authorized by law or otherwise authorized by the County Council.