

3 August 2024

TO: Members of Los Alamos County Council

FROM: Members and friends of the Subcommittee formerly known as ELAS and the not-yet-official Working Group soon to be known as ELWG: *Wendy Burke-Ryan, Lisa Reader, Cathy Miller, Donna Hayden, Jerry Cowan.*

RE: Notes on updates to Boards and Commissions Orientation Manual

Thank you all for recognizing that the current Manual was in need of update and revision. The lack of clarity has caused confusion and consternation in recent months.

Members of this group received a copy of the proposed changes and we have some input for your consideration.

It is our opinion that the proposed changes to the operation of Boards And Commissions should have been provided to each current Board and Commission for their review and official input before it comes to Council for a vote. Each B or C has somewhat unique issues, and an opportunity to review how these new guidelines could affect them would be beneficial. Public comment could be taken at both the B or C level and again at Council level ensuring a good review. Our request is that Council consider tabling this item until such time as input can be obtained from the current County Boards and Commissions.

Should you decide to take action this evening, the following is input from our group.

Training MUST be required for all members, and provided by the County Staff and Council

Any revision of the Boards and Commissions handbook referring to Working Groups and striking Ad Hoc or Task force would also require a revision of the County Code below. There is no mention of “working groups”. Perhaps Ad Hoc should remain in the Manual and be worded Ad Hoc committee or Working Group.

Sec. 8-2. - Definitions.

Ad hoc committee or task force: A temporary, single-purpose group of citizens and/or staff created by council action for a fixed term or project. An ad hoc committee or task force shall be governed by the county council action that creates or enables said body.

Board or commission: An ongoing volunteer citizen body created by ordinance with a specified number of council-appointed members who serve set terms.

Board or commission subcommittee: A subcommittee created by a board or commission that is subordinate to the original board or commission. Subcommittee membership can be limited to existing board or commission members or, as permitted by procedural rules, the board or commission can include volunteer citizens that are not currently serving as members of the board or commission.

Sec. 8-141. - Purpose.

The parks and recreation board is established to serve as a central point of communication for the parks and recreation interests of the county and as an advisory body to the county council. The October 17, 1977, resolution creating the recreation board for the Incorporated County of Los Alamos is hereby repealed and voided.

The above ordinance wording suggests a bottom-up advisory approach, where the proposed details of Working Groups and Subcommittees in the Manual suggest a top-down approach. Working Groups should be free to bring matters to the attention of the parent Board or Commission without having to be “assigned” the task.

Generally, the B&C should read **B OR C** throughout the document. One is not a member of a Board AND Commission – one is a member of a Board OR Commission.

Specific input :

- Table of contents
 - Remove “Surprises” as that has been removed from the body
- Pg 14 conflict of interests section
 - Concern about this – does this apply to working groups? Would this impact any work a working group could do on stable license fees or arena use fees as those would impact them personally? Or since any changes would equally affect an entire group, is it ok?
- Pg 24 Inclusion of respective working group reports and recommendations.
 - Thank you for adding the provision to include working group minutes/reports. Subcommittee reports/minutes should also be added
- Pg 25 Still under B and C minutes
 - Addition of the identity and the subject that was mentioned at Public comment should be noted
- Pg 29 Discussions among B or C members outside of the open meeting
 - Question for B and C members, subcommittee members, and working group members regarding OMA and Quorum – can individuals who are members of a B or C, subcommittee or Working Group discuss matters outside of a meeting if the number of members discussing does not constitute a quorum?
- Should mention somewhere in the document WHO is bound by OMA – B or C members, Subcommittee members (?) Working Group members (?). It was our understanding that WG’s are NOT bound by OMA or by any LAC procedural rules.
- Pg 34/35 This basically says that the chairman of the B or C appoints members and stands up a working group or subcommittee and assigns them tasks
 - It would seem more appropriate for the B or C to VOTE on these issues rather than have the chairman alone do it
 - Also under (o). the definition of WG or reference to that should be inserted here.

- Pg 39 Typed agenda section
 - Iii (b) Public Comment – is this for items not on the agenda? While it is addressed in another section, it should be stated that Public Comment will be taken on any action item before a vote is taken. Also if, as stated later, the time limit is 3 minutes to match Council, this should be stated here as well.

Pg 40 2(g) Same comment – this is confusing as to where Public Comment is and on what comment is allowed- future items? Items on this agenda?

Pg 41 (5) Public Comment opportunities will be provided during the meeting for eachieach item on the agenda before action is taken – what about items not requiring action? Committee reports? Staff reports? Informational items – when is public comment permitted for those types of items?

Pg 41 (6) Minutes - It would be useful to capture public comments in the minutes.....

- Pg 44 Working Groups and Subcommittees
 - This entire section is still confusing – there should be a definition of WG and SUBC here, and the sections should be uniform (ie: Purpose, Establishment, Membership, Responsibilities....)
 - 1.(d) “requests will be made annually – should consider “or as needed as determined by the parent B or C” The way it is written implies that the B or C can only appoint members once a year.
 - 1 (e) Members of the B or C that have not been assigned to a given WG may NOT attend meetings of the WG. Why not? If their attendance will not result in a quorum of the B or C, why prohibit other members from attending?
 - There is no mention of the term or expiration of the Working Group or how it can be re-upped or given additional assignments.
 - There should be specific mention of OMA and the requirements of the WG for compliance – it is our understanding that the point of WG’s was to have a group able to work free of OMA requirements – this should be specifically noted.
- Pg 45 Subcommittee Purpose and Creation
 - This and the Working Group section should match in format
- Pg 47 6(b) Expiration of Subcommittee
 - Does this mean that the subcommittee will be extended until such time as Council can vote on it? That should be clearly stated –
- Pg 47 deletion of Ad Hoc Committees –
 - The assumption is that Working Groups are taking the place of Ad Hoc Committees?
- Pg 50 Working Group
 - Again, why only chairman creates? Should be voted upon by the entire B or C,
 - Again, no time frame is stated – will there be a time limit? Or can they be ‘rolling’ groups?
 - Working Groups should be free to bring items not specifically assigned forward to parent board as well. They are the eyes and ears in the community – grass roots bubble-up.
- Pg 51 Exhibit A Sample Agenda

- Again, same questions on Public comment –
 - PC limited to 3 minutes similar to Council should be reinstated here?
 - Clarification of public comment – any item? Items on the agenda?

Thank you for committing to an update of this document. It is critical that all parties – B or C members, Staff, Council members, WG/SubC members and members of the public have access to consistent, accurate information across all documents and platforms.