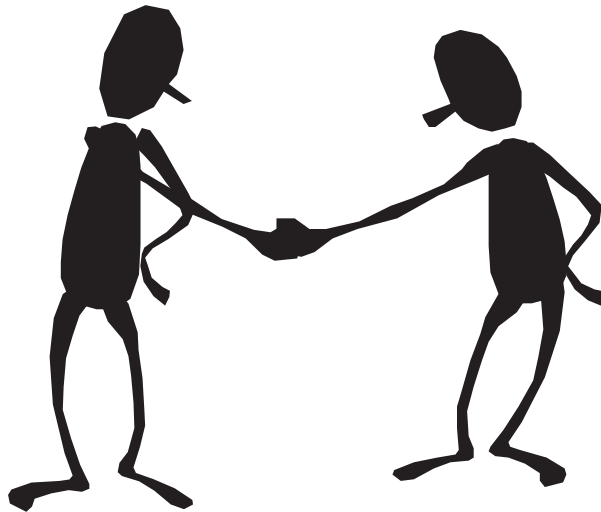


**LOS ALAMOS COUNTY  
ORIENTATION MANUAL and  
PROCEDURAL RULES  
FOR MEMBERS OF  
BOARDS AND COMMISSIONS (B&Cs)**



August 2024  
Updated

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ORIENTATION: BOARDS AND COMMISSIONS**

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## INTRODUCTION

As a new member appointed to a Board or Commission (B&C), you will be provided an opportunity to participate in an orientation session conducted by County staff from the department most closely linked to your B&C. This orientation session will include, but not be limited to, a review of the B&C's responsibilities as assigned by the County Council or as specified by state law and a review of the procedures of the B&C.

For the purpose of these guidelines, a B&C is defined as one of the County's standing Boards appointed by Council. Most B&Cs are advisory to Council; however, some may have statutory responsibilities. All of the current B&Cs were created by County ordinance and a description of their responsibilities and duties can be found in Chapter 8 of the Los Alamos County Code. The Code can be accessed electronically through the County's web site at [www.losalamosnm.us](http://www.losalamosnm.us). The staff liaison or the clerical support person assigned to your B&C can also provide a copy of your B&C's enabling legislation.

As provided for in Section 8-15 of the County Code, unless otherwise provided by law, all boards and commissions shall follow the Procedural Rules adopted by the County Council which are contained in Part II of this Handbook.

### ORIENTATION OBJECTIVES:

After attending the orientation session and reviewing this handbook, you should be able to agree with the following statements:

- ☐ I understand the role and responsibilities of my B&C.
- ☐ I've read the relevant sections of Chapter 8 of the County Code.
- ☐ I know what my fellow B&C members and I are expected to do.
- ☐ I know the professional staff liaison who is assigned to my B&C and/or the department director and I understand their roles.
- ☐ I understand the working relationship between the county staff and my B&C.
- ☐ I know the sources of information that assist my B&C with decision making.
- ☐ I know which types of community issues are of concern to my B&C.
- ☐ I understand the local government activity for which my B&C is expected to make policy recommendations.
- ☐ I understand the difference between making policy and making policy recommendations as an advisory B&C.

- ❑ I understand the distinction between operations and policy.
- ❑ I understand that unless otherwise provided by law, all boards and commissions shall follow the Procedural Rules adopted by the County Council and contained in Part II of this Handbook.
- ❑ I have read and understand the Procedural Rules contained in Part II of this Handbook.
- ❑ I have read the current Work Plan for my B&C.

#### **THE ROLE OF BOARDS AND COMMISSIONS: UNDERSTANDING THEIR MISSION**

Volunteer citizen B&Cs serve an important role in democratic local government. B&Cs are an excellent mechanism for gathering constructive citizen input, putting to use the talents of individual citizens, and bringing a citizen perspective to local government activities and projects.

Service on a B&C familiarizes you with your community and develops potential community leaders, and it gives you the chance to help address community needs and make recommendations for possible solutions. Finally, B&Cs provide a way to practice the spirit of giving and philanthropy, a way to serve your fellow citizens.

As a volunteer member of a B&C, you have the opportunity to influence important decisions about government policies, about the distribution of community resources, and about the provision of services to residents. The quality and effectiveness of your input can affect the whole community.

Occasionally, members of a B&C may have a poor understanding of the B&C's role and responsibilities. If this occurs, the B&C is likely to be ineffective or may be disruptive of staff activities and no longer contributes positively to the democratic process. Ineffective B&Cs may cause citizens to become disillusioned - to feel that the local government is rigid, does not accomplish its goals, or does not respond to citizens' voices. Citizens initially motivated by a spirit of giving may become disenchanted and may decline to participate further in civic activities. The County will try to prevent this from happening. For this reason, it is essential that B&C members be properly oriented to understand their duties and carry them out effectively.

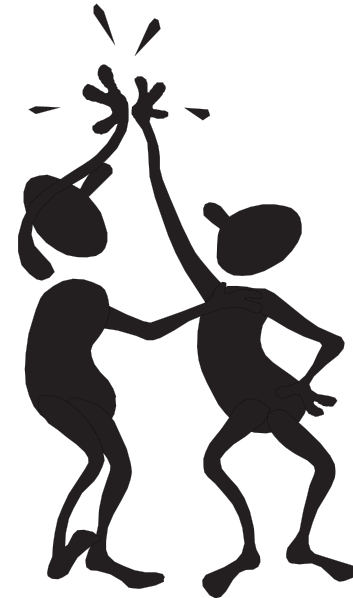
A B&C's job, generally, is to make informed citizen recommendations to the County Council and to assist the Council in making good decisions for the community. Each B&C has a specific scope of assigned responsibilities identified in their enabling ordinance.

The County Council, not the B&C, is ultimately responsible to the citizens. The B&C must understand that its role is generally to advise, as opposed to the County Council's role to make policy and the staff's operational/administrative role. The B&C must also

understand that the decision to implement the B&C's recommendations will be made by staff or by the County Council. Also important, though, the B&C members need to understand that their role as an advisory group is important to the well-being of the community. In other words, even though the B&C's job is different from staff's job and the County Council's job, it is a very important part of a democratic local government.

B&C members should also recognize that the County Council's area of concern is much broader than the B&C's and, in some cases, B&C recommendations will not be implemented. B&C members should not interpret this as a rebuke, but rather as part of the process.

It is imperative that an advisory B&C's work reflects the wishes of the community as a whole and not only the opinions of the appointed members. Effective B&C work depends on the members' understanding of the general direction in which the community is headed. B&Cs can help to meet the objectives of the County Council if the overall community vision articulated by Council is allowed to guide not only the B&C's case-by-case recommendations, but also its long-range goals and annual work plan.



## RELATIONSHIP WITH THE COUNTY COUNCIL

A County Councilor will be assigned to serve as liaison to each B&C. The assignments will change annually and will be made in a manner determined by the Council. The liaison to the Utilities Board is automatically the Council vice-chair.

Individual Councilors, including the liaison, cannot assign tasks to a B&C. In regard to all B&Cs, except the Board of Public Utilities, the Councilor will, after consultation with the Chair of the B&C, attend regular meetings of the B&C to participate in the B&C as agreed and should meet periodically with the Chair of the B&C to determine the level of participation desired by the B&C and issues in which the Council should be advised. The assigned Council liaison's role is to act as the primary information conduit between the B&C and the Council as a whole. It is incumbent upon that Councilor to provide guidance and advice about which B&C issues to bring to the attention of the Council for action and which should be merely information items. However, this does not prevent the B&C Chair, in accordance with an action of the B&C, from bringing a recommendation to the Council.

In regard to the Board of Public Utilities, the Council liaison will sit at the dais.

Each B&C advises the County Council on policy matters regarding its assigned powers and duties. The B&C shall develop policy recommendations by:

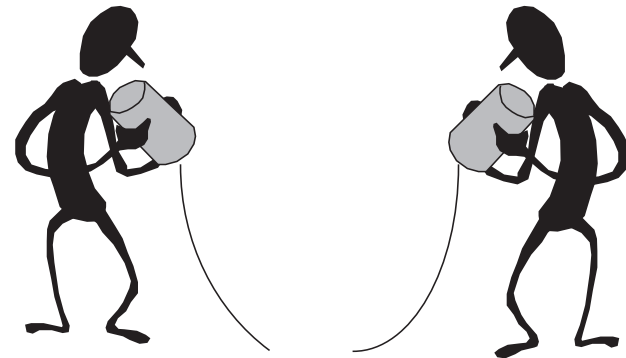
- Providing a forum for discussion and study of matters that are of interest to citizens, the County Council, and staff, and that conform to the vision for the community articulated by the County Council.
- Researching and developing plans for resolving concerns within the B&C's areas of responsibility. (Some actions of a B&C may be subject to appeal to the County Council as provided in the B&C's enabling ordinance. No action of a B&C shall relieve the County Council of its responsibilities nor usurp the authority granted to the County Council by the Charter.)

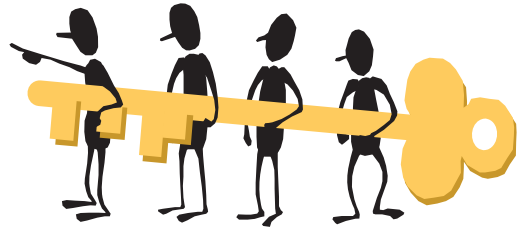
The City of Commerce, California, calls B&C members "the eyes and ears" of the community. In this type of symbiotic relationship, however, B&C members need to remember that they were not appointed to relieve the elected officials of making policy decisions. B&C members should also avoid trying to predict actions or votes of the County Council. This does not, however, preclude them from interpreting the philosophy of the County Council or trends in County Council thinking.

## MEETING WITH THE COUNTY COUNCIL

Meetings between the B&C and County Council can help clarify expectations and philosophies. Traditionally, each B&C Chair will be expected to make an annual presentation during a Council work session. The monthly Council work sessions are used because they are conducted informally and usually have less crowded agendas. The schedule for these annual presentations is usually developed at the beginning of each calendar year. The Chair may use his/her presentation time to describe the B&C's accomplishments and discuss proposed work plans or any other issues that warrant Council attention. The B&C Chairperson will primarily be responsible for the B&C presentation to Council. Here are suggested steps for planning that presentation:

- If needed, devote a portion of a B&C meeting to identify and assign priorities to issues to be covered.
- Plan to list the B&C's accomplishments for the past year and describe the proposed work program for the upcoming year. List the top priorities of the B&C along with some of the challenges faced by the B&C.
- Meet with County Council liaison or the Department Director to develop and review the presentation.





## B&C WORK PLANS

A work plan is the B&C's expressed effort for the year. It addresses the important problems, challenges, and opportunities identified by Council and the Department that need to be addressed by the B&C during the next year. A Council-approved and published work plan has the following benefits:

- Establishes measurable objectives
- Keeps the B&C aligned with departmental and Council strategic priorities and goals
- Assists in the allocation of departmental resources
- Promotes continuity of B&C action

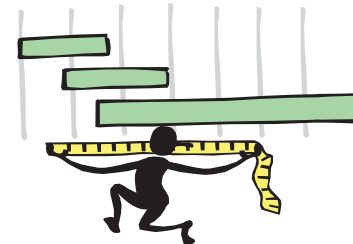
Annually, a work plan will be developed jointly between the B&C and staff. The deadline for B&C work plan development will be set and communicated to all B&C members each year. A Council working group will be appointed to review all B&C work plans. A work plan template will be provided each year to the B&C Chair and staff liaison. Each B&C shall make progress on their approved work plan until Council approves a new work plan and this new approved plan is transmitted to the B&C at their next available public meeting.

B&C Chairs are expected to meet, as needed, with their Department Director and the other Chairs of B&Cs assigned to that Department to discuss the B&C's work plans and strategies for executing those work plans. The Department Director will also review the level and allocation of departmental resources, such as staff time and support, for all B&Cs affiliated with the department.

Some B&Cs occasionally undertake initiatives that require resource allocation in one or more departments. For example, the Arts in Public Places Board (APPB) may need assistance from Community Development or Public Works with the installation or maintenance of APPB sculptures. Council must approve these appropriations as part of the regular budget process. These appropriations will be considered part of the budget of the relevant department.

Generally, the following outline will be used for the preparation of B&C work plans: (Specific dates and deadlines will be announced each year. The schedule shown below indicate the general timeframe.)

|     |                                                                                                                                                                                                                                                                                                              |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oct | <ul style="list-style-type: none"> <li>- Council determines strategic priorities</li> <li>- Departments begin planning for budget options in relation to their responsibilities.</li> <li>- B&amp;Cs may be asked to provide input on budget options in relation to their area of responsibility.</li> </ul> |
| Nov | - B&C Chairs and staff develop draft work plans.                                                                                                                                                                                                                                                             |
| Dec | - B&Cs/Departments review and complete work plans and submit to Department Directors and Council liaisons roughly 6 working weeks (excluding holidays) following receipt of Council budget guidance.                                                                                                         |
| Jan | - A Council working group reviews, comments, and revises each B&C work plan and then makes a report including recommendations to the whole Council. The reviewed plans are presented for Council approval in a manner determined by Council.                                                                 |





### RELATIONSHIP WITH COUNTY STAFF

Throughout their terms, B&C members will work closely with the associated department director, staff liaison and occasionally, the County Manager. A close working relationship between the B&Cs and their associated department is important for success, but it should be clear that the B&Cs work with the departments, not for the departments and vice-versa. A good partnership between staff and the B&C members has historically been an effective and productive relationship. A B&C may ask specific departments through their assigned staff liaison to provide information upon which the B&C members can make informed decisions. Department representatives designated as ex-officio members are expected to attend all B&C meetings and participate in B&C discussions, provide background information, and may advocate positions on potential B&C actions. The ex-officio staff representative(s) are non-voting members of the B&C.

County departments can provide staff reports to the County Council, through the County Manager, regarding B&C actions. Such reports may supplement, agree with, or take positions opposed to the recommendations of the B&C. If a staff report is prepared relating to a recommendation by a B&C, a copy of the report will be provided by the staff liaison to the B&C chairperson before the report is presented to the County Manager.

Each year the B&C Chairperson and the Department Director will prepare a brief description of the B&C accomplishments and plans for the future as part of their annual work plan. See previous section.

### CLERICAL STAFF SUPPORT

Administrative/clerical support for B&Cs may be required as a function of the Staff Liaison, but generally the department will provide an additional clerical staff member to take B&C minutes and provide other administrative support. The clerical support staff for a B&C performs the following duties and any other duties as may be assigned by the department director:

- To cause the minutes of the B&C meetings to be taken, transcribed, prepared, and maintained in a manner best suited to provide an accurate record of all B&C proceedings;
- To give notice to the public, the media, the County Manager and the Council of all meetings of the B&C;
- To prepare and distribute agenda packets; and
- To provide other clerical support as agreed between the Department Director and the B&C Chair.

### PROFESSIONAL STAFF LIAISON RESPONSIBILITIES

Here is a list of important staff liaison duties and responsibilities:

- Being informed about the latest developments in their field.
- Providing background information and making professional recommendations on important issues.
- Expressing both pro and con arguments on issues.
- Understanding the County Council's, County Manager's, and Department Director's goals and being informed of actions that have been taken.
- Alerting B&C members of possible negative reactions concerning the B&C's recommendations.
- Making sure appropriate staff action is taken after a B&C's recommendation is made.
- Developing a rapport with the chairperson and B&C members.
- Assisting with the presentation of the B&C recommendations to Council.

Unfortunately, some of these actions can create friction with B&C members. Both parties need to remember that the goal is to maintain a close working relationship and foster a partnership between B&C members and County staff.



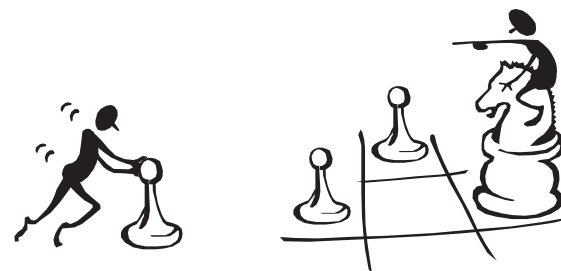
## B&C MEMBER RESPONSIBILITIES

Here is a list of important B&C member duties and responsibilities:

- To meet, as necessary, to accomplish the B&C's assigned duties.
- To perform other responsibilities as required by the enabling legislation of a B&C.
- To hold public meetings and hearings, as may be required, and in conformance with the New Mexico Open Meetings Act.
- To submit an annual Work Plan to the Council documenting B&C activities during the previous year, communicating its members' perceptions of the needs of the community within its area of responsibility, and defining the B&C's plans for the future.
- To make recommendations relative to needed policies, ordinances, and programs to achieve the Council's goals. ("Minority" recommendations can be prepared when there's a difference of opinion between members of the B&C.)
- To act responsibly and professionally with respect to information obtained as a B&C member.
- If requested, to cooperate with the County's designated custodian of records to make the B&C public records open for public inspection. "Public records," as defined in NMSA 1978 Section 14-2-6, are "all documents, papers, letters, books, maps, tapes, photographs, recordings, and other materials (including e-mails) 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."
- To refrain from any action which constitutes a conflict of interest. As defined in the County Charter: "Any elected official, County employee, committee member or advisory board or commission member who has a financial interest in the outcome of any policy, decision, or determination shall not vote or act on the issue in which he or she has such an interest." Each B&C member is required to complete a Disclosure Form and is expected to excuse himself/herself from any B&C discussions or actions that could be interpreted as representing a conflict of interest. However, not all interests a board member may have create a conflict of interest. Section 30-8 of the County Code addresses this as follows: "No public official shall engage in any official act directly affecting the public official's financial interest, or the financial interest of the public official's immediate family, *except that a public official shall not be disqualified from engaging in an official act if the benefit of the financial interest to the public official or the immediate family of the public official is proportionately less than or equal to the benefit of the general public.* (Emphasis Added) This exception in the County Code mirrors that of

state law, (see 10-16-4(B)) and it ensures that those chosen by the citizens via the ballot box or through the appointment by the County Council to represent the public's interest in their county government can act on measures that widely affect the general public even if a Councilor or B&C member has a financial interest in the matter on par with general public's interest in the matter. For example, to raise property taxes the County Council must take action to place the proposed measure on the ballot. Raising property taxes would directly impact the financial interests of any County Councilor (or any immediate family member) who owns real estate in the County. In the above hypothetical, it would not violate the Code of Conduct for a County Councilor to vote against or for a property tax measure because their financial interest in their real property (and any immediate family member's real property) would be directly impacted since that impact is similar to the impact the general public would experience. As this exception illustrates, navigating potential conflicts of interest can be complicated. Per the Charter the County Attorney serves as the legal advisor to County B&Cs. If any B&C member is concerned about whether a conflict of interest exists, the B&C member should contact the County Attorney's office for advice and counsel on the matter.

- To attend scheduled County meetings when such meetings relate to the work of the B&C. The B&C Chair or designee should attend the monthly B&C luncheon.
- To review all relevant background information provided in preparation for regular or special meetings or work sessions of the Council.
- To develop rapport with other Board members and staff.



## PARTS OF THE WHOLE: TEAMS

It is important to understand your B&C's place in our community, that is, the B&C's relationships to local elected policy makers, citizens, other B&Cs, and the staff.

Once the B&C members understand their role and how the job will be done, the group needs to learn to communicate clearly and work together as a team. To get anything accomplished requires that each B&C member, including the B&C Chair, cooperate with other members. While seemingly simple, this can be one of the most challenging aspects of serving on an advisory B&C. Cooperation can be essential to marshalling the votes necessary to make a recommendation. This means learning to compromise, give and take, and sort out common goals.

The Council selects people with diverse backgrounds and experiences to serve on B&Cs. Moreover, the appointees may have different values and agendas. As a result, there can be built-in conflicts even before the group ever comes together.

A team represents the highest level of cooperation. B&C members are encouraged to learn to appreciate differences and discover that the power of teamwork is infinitely superior to individual contributions.

### **RELATIONSHIP WITH OTHER BOARDS AND COMMISSIONS**

B&Cs shall, when possible, cooperate fully with other B&Cs on matters of mutual interest. If there appears to be an overlap of responsibilities involving multiple B&Cs and departments, these should be addressed as they come up. The County Manager, affected Department Directors, and B&C Chairpersons should meet to determine which B&C should take the lead on the issue(s). They will take into consideration the B&C responsibilities and the public's perception of which B&C might be the most appropriate body to collect public input.

### **RELATIONSHIPS WITHIN THE BOARD OR COMMISSION**

The types of problems confronted by B&Cs can be very frustrating. Keep in mind that each member's ability to work together is very important to the community. As B&C members try to make the best possible decisions on issues, the following recommendations may help get over the hurdles of conflict and disagreement:

Separate the people from the problem and address issues, not personalities. You and your colleagues aren't questioning each other's good intentions or personal integrity. You are discussing options for making the best possible decisions. Don't think about what you may not like about the person sitting across the table from you. Instead think about what he or she is saying, about the points that person is trying to make. If a colleague seems to be attacking your integrity, try to get that person back on track by asking him or her to make the point.

Focus on mutual interests and shared goals. When your B&C seems to bog down,

sometimes it is helpful to step back and think about mutual goals. Remember that you are all serving the same community.

Invent options for mutual gain. Is there a compromise with which everyone will feel satisfied? Think about all that has been said throughout the debate. Can the best aspects of everybody's ideas be incorporated into a plan? Ask your colleagues why a particular approach is not satisfactory and what approaches would be acceptable.

Be open, honest, and willing to listen. Examine your own approach to dealing with conflict. Are you really listening to what your colleagues are saying? Are you thinking about the implications? Don't be afraid to state your concerns. Be honest in revealing what you see as available options and by explaining what you see as shortcomings in others' suggestions.

### **WHEN THE PROCESS BOGS DOWN: THE NATURE OF CONFLICT**

It is a rare B&C that never experiences conflict. After all, a B&C is comprised of individuals with different experiences, educational backgrounds, jobs, expertise, and feelings. B&C members often find conflict highly frustrating; however, members should understand that part of their job is to channel conflict into good decisions. The diversity that causes conflict to arise can be the key to successful B&C work. Remember, the assigned staff liaison is also a B&C member.

B&C members are encouraged to view the conflict preceding a group decision as healthy debate. Conflict should cause you to ask questions, to seek explanations, to demand justification, to challenge, and to be challenged. It should prompt all participants to examine every angle of every argument, option, or approach.

When conflict is minimal, little effort may be required to reach a decision, but the B&C still needs to ensure that issues are fully considered. Conversely, when conflict is great, reaching consensus may be very difficult. Ultimately, conflict may result in sound, collaborative solutions comprising the best aspects of all the ideas generated. If issues are thoroughly aired, each B&C member will be committed to the solutions reached, and the cohesiveness of the group will increase.

A variety of techniques can be used to resolve conflict on citizen advisory B&Cs. The most common techniques are those used to make a decision, thus bringing closure to an issue: voting or negotiating a compromise. Problem-solving techniques are used to find a solution that each member views as the best possible. B&C members should understand the difference between making a decision and creating a solution by working together.

**Decision Making.** When conflict is minimal or nonexistent, B&Cs often vote to make a decision. Yet, even as simple and common an approach as voting can cause problems for



a B&C. For example, problems are likely to occur if members have strong feelings about the issue being voted on, particularly if they feel the issue was not sufficiently discussed and debated.

Further, voting produces winning and losing factions on a B&C. A member or members who frequently end up on the losing side may begin to feel less and less a part of the group. Finally, the losing members won't feel a part of the decision that was made and the B&C may begin to polarize. A chairperson who consistently uses the vote to make decisions must be prepared to deal with the feelings of those on the losing side.

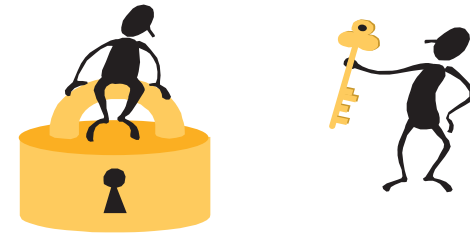
The second technique for making decisions, negotiating a compromise, often is used when B&C members have developed firm positions about an issue. Negotiating requires more time and effort than does voting. In particular, negotiating requires communication skills and cooperation among B&C members. Ideas must be presented clearly and each participant must be willing to listen to possibilities for compromise. The best compromise is one that all members can support.

Participants must realize that negotiation is a process of give and take. B&C members should be encouraged to think about their positions, set priorities, and decide which demands they are willing to exchange for something more important. In most cases, an acceptable compromise can be reached because each party will have to give up something.

**Problem Solving.** Solving a problem is much more involved than the above two methods for resolving conflict. When B&Cs are faced with serious conflict, they should go beyond simply reaching a decision to expending the time needed to actually solve the problem. Trying to force a decision when the level of conflict is high may produce a poor decision, sacrifice the group's cohesiveness, and exacerbate conflict on the B&C and in the community.

Problem solving requires finding a solution that satisfies every member of the group. This implies that every group member must participate in the problem-solving process. It may be necessary to schedule a special meeting to resolve a particularly difficult conflict.

There is no easy resolution of conflict that sometimes surrounds issues of importance. When conflict does arise, finding a solution is necessary to allow an advisory B&C to make sound recommendations that each member will support. The most important thing for B&C members to remember is that they are colleagues, that they are part of the same team, and that each team member has a unique contribution to make.



## RELATIONSHIP WITH THE COMMUNITY

One duty of B&Cs is to provide public information for and to receive public comments from individuals or groups interested in the B&C's area of responsibility. B&Cs can use a variety of techniques to involve and inform the public. Specific guidelines on each format are provided in the County's *"Public Involvement Manual"*. Your staff liaison can provide a copy.

## RELATIONSHIP WITH THE MEDIA

B&Cs must recognize that local government is a source of news for the local media. In this connection:

- Consider all public statements in light of how they would appear in the newspaper.
- Remember that you are viewed as a spokesperson for the County of Los Alamos even though it is not in an official capacity.
- Consider responding to letters to the editor very carefully. What is the potential for escalating a controversy? Will such a response resolve the problem?
- If possible, avoid saying "no comment." Indicate why you cannot comment at this time or that you will be able to comment after the meeting or at a later time. See #1 on the next page.



## Working with the Media

By Julie Habiger

Being a member of a B&C can expose you to more attention from the media than you might otherwise receive as a citizen. Chances are, you already know the "logistics" part of being on a B&C and the fact that your meetings must be open to the public with a published agenda - this means the media can attend and report on your meetings. However, what happens outside the meetings if you are approached by a newspaper reporter or TV news team, wanting your comments and thoughts about an issue? Here are some tips:

1. Sometimes it's okay to say "no comment". While you should keep an open, communicative relationship with the media, or anyone in the public, you need to remember that it's tough to communicate all the facts in a conversation to someone who hasn't got the history you have in studying the issues brought forward to your B&C. Avoid off-the-cuff answers to questions that might assume the person asking the questions is knowledgeable in the subject matter.

2. Remember when you speak, you're part of a larger majority. There's a reason why B&Cs boast a certain number of members -- it allows for a diverse range of opinions and viewpoints. For that reason, it's not appropriate to speak to the media in a manner that would indicate that your personal opinion represents that of all your fellow members. Presenting a common front is important in making your B&C work as a team, so taking the extra time early on in dealing with an issue to discuss how you will present your findings and recommendations to the public is just as important as the decisions you make.

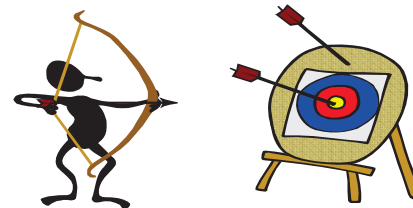
3. Be open and honest in your response, but remember it's okay to say "I don't know" or "Let me find out and get back to you" if you really don't have all the answers. Reporters work under tight deadlines and they need responses quickly. You need to appreciate their time schedules, but don't let their desire to have the whole story in a few minutes prevent you from taking an extra five minutes to check your facts. Better yet, if you don't feel comfortable, point them in the direction of someone else who might be better suited to deal with their questions; that could be the Chair of your B&C, your County staff liaison, a member of County Council, or the County Attorney's Office.

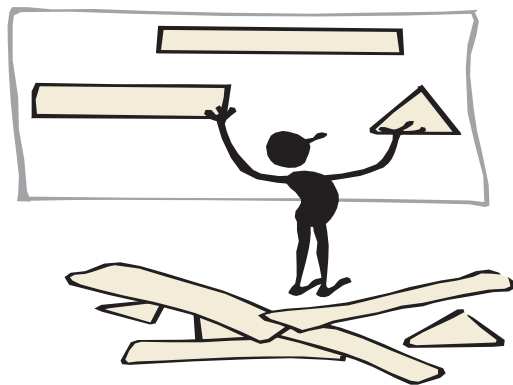
### 4. What you say today to one person could be said to the world tomorrow.

Unfortunately, when there is a volatile situation, when emotions run high or people feel they are personally being attacked, many rash statements are made in haste. If you're feeling that way, then this is not the time to talk to the media. You might say or do something you'll regret later. Reports go out on the wire all around New Mexico and the U.S., so your comments could be far-reaching and have tenfold greater "damage control" potential than another day when you might answer differently. Offer to reschedule a time when you, not the reporter, are feeling more appropriately in control of the interview.

5. Beware of leading questions. This goes back to the old adage of "look before you leap" or in this case "weigh your answers carefully before you speak." Most of the time the media has a specific angle to a story, and they are looking for you to substantiate or provide additional information relative only to that perspective. Leading questions start with phrases such as, "Would it be fair to say that...". "Is there any truth to the rumor that ...", "What have you heard about ..." followed by a specific story angle that the reporter is working on for their TV or radio station or newspaper. Other tactics are for the reporter to state their opinion and ask you to substantiate it. Here's an example: "The Wen Ho Lee case must have been very disruptive to life in Los Alamos -- how has the County dealt with this disruption?" This question leads you to answer based on the assumption that the reporter, not you or the County, has already decided that there was indeed a disruption, when in fact there might not have been any issues at all that impacted the County! Finally, it isn't uncommon for members of the media, acting on a hunch, to try to "fish" for a story by asking leading questions simply to find out what you do or don't know about a topic. The reporter will try and make their questions come across as if "surely you must know about this" (and thus you feel compelled to offer an answer rather than appear to look ignorant about the situation).

The bottom line in dealing with the media is this: be honest and do your best to be informative -- just remember to think before you speak, and weigh what you do or don't know in answering their questions.





**THE B&C SUPPORT SYSTEM**

To be effective, a B&C needs a strong support system. Here are seven critical elements in this support system.

- An agenda that provides order and information.
- Staff reports that are clear, concise, and informative.
- Minutes that are timely, clear, and succinct.
- Operating procedures that help rather than hinder the group process.
- A chairperson skilled in facilitating decision making with a diverse group.
- Meetings that begin on time, adjourn at a reasonable hour, and result in clear recommendations or actions taken.
- Meetings that are scheduled to maximize B&C member and public participation.

### 1. THE AGENDA

The agenda is one of the most important tools of the B&C. It is defined as a list, outline or plan of things to be considered. It focuses the discussion at a meeting by specifying topics and the order in which they will be addressed. The B&C chairperson, in consultation with the staff liaison, traditionally sets the agenda for each B&C meeting. Please reference the B&C Rules (Section II of this manual) for specific guidelines related to agenda items. See also: [Exhibit A - Sample B&C Agenda](#).

As required in the County's current annual Open Meetings Resolution, all B&C's must comply with the following regulations provided in the NM Open Meetings Act (NMSA 1978 Section 10-15-1 - Revised 2013) related to B&C agendas:

*"Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two (72) hours prior to the meeting, the agenda shall be available to the public and posted on the public body's web site, if one is maintained. ...Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this subsection, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body."*

### 2. STAFF REPORTS

Staff reports, written or oral, are an indispensable part of the B&C process. They are used to:

- Frame issues
- Provide facts and focus
- Provide chronologies
- Identify issues and alternatives
- Present the staff's position
- Make a recommendation

### 3. B&C MINUTES

The minutes represent an official record of the B&C's discussions and actions. A draft of the minutes must be prepared within ten working days after the meeting. Both draft and official copies of B&C minutes are open to public inspection.

Official B&C minutes:

- Record B&C actions
- Communicate background to the County Council
- Provide perspective on issues
- Provide a historic record of the proceedings
- Provide summary of items that need follow up
- Include reports and/or recommendations from respective subcommittees and working groups

The New Mexico Open Meetings Act (NMSA 1978 Section 10-15-1) requires minutes of open meetings to record at least the following information:

- a) *the date, time and place of the meeting;*
- b) *the names of all members of the body in attendance and a list of those members absent;*
- c) *the substance of the proposals considered; and*
- d) *a record of any decisions made by the body and of how each member voted.*

According to the NM Attorney General's OMA Compliance Guide, this means that minutes must contain a description of the subject of all discussions had by the body, even if no action is taken or considered. This may be a concise, but accurate, statement of the subject matter discussed and does not have to be a verbatim account of who said what. It may be useful, although it is not required, to also record the other persons invited or present and who participate in the deliberations." (Emphasis added)

#### 4. PROCEDURAL RULES

B&Cs rely upon rules to facilitate meetings. These rules provide the process for conducting meetings in an orderly, efficient and fair manner. Rules may be formal or informal. Council-approved Rules and Procedures for all County B&Cs are provided in Part II of this Orientation Manual.

##### PREPARING MOTIONS

B&C meetings are usually conducted according to basic parliamentary procedure (Robert's Rules of Order.) The chairperson directs the meeting, and his/her rulings must be followed unless overruled by the body.

When a member wishes to propose an action for the B&C to consider, the member makes a motion. A motion generally goes through the following steps:

- The member asks to be recognized by the chairperson.
- After being recognized, the member makes the motion "I move that we..."
- Another member seconds the motion. "I second the motion."
- The chairperson may re-state the motion and asks for discussion.
- After the B&C has concluded its discussion, the chairperson then asks for public comment.
- When the chairperson feels that there has been enough discussion, the debate will be closed and the chairperson asks, "Are you ready for the question?" or "Is there any further discussion?"
- If no one asks for permission to speak, the chairperson then puts the question to a vote.
- After the vote, the chairperson announces the decision. "The motion is carried" or "The motion is lost".

##### A FEW COMMON MOTIONS:

- Introduce an Item: "I move that..."
- Delay Consideration: "I move to table the motion until..."
- Close Debate: "I call the question."
- Limit or Extend Debate: "I move to limit or extend debate to..."
- Request More Study: "I move to refer this to staff for further study."
- Amend a Motion: "I move to amend..."
- Object to Procedures: "Point of order."
- Reconsider a Vote: "I move to reconsider the vote on..."
- Adjourn Meeting: "I move to adjourn."

##### PHRASING AND DIVIDING MOTIONS

Phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the chairperson states the motion, the B&C member making the motion may rephrase or withdraw it.

B&C members may wish to write out motions beforehand or ask staff to prepare a draft for difficult ones. If a motion gets too complicated, ask staff to prepare the wording.

In making a motion, avoid including more than one proposal in the same motion. This is especially important when B&C members are likely to disagree. If a B&C member prefers to see proposals divided and voted upon separately, the B&C member can ask the chairperson to divide the motion. If others do not object, the chairperson may proceed to treat each proposal as a distinct motion to be acted upon separately.

#### 5. CHAIRPERSON RESPONSIBILITIES

The chairperson is the key to the effectiveness of the group process and can be likened to the team captain. The chairperson provides group direction and sets the tone for meetings.

The chairperson must balance being strong enough to move the meeting along and democratic enough to involve all members in the meeting. To be effective the chairperson needs the support of the members.

Trust is built by evenhandedness and fairness to all the participants. It also means that the chairperson does not use powers of the chair unfairly to win a point or argument.

### THE EFFECTIVE CHAIRPERSON:

- Prevents overly dominant B&C members from having a disproportionate influence.
- Protects B&C members and staff from verbal attacks.
- Solicits opinions, feelings and positions from reticent B&C members.
- Protects new thoughts from being rejected prior to fair evaluation.
- Discourages finger pointing and blame-oriented statements or questions.
- Keeps the discussion focused on the problem.
- Knows how to run meetings utilizing, as appropriate, the principles of Robert's Rules of Order
- Encourages the generation of alternative solutions.
- Delays evaluation and analysis of alternatives until all are on the table.
- Guides the process of screening alternatives and selecting the solution.
- Attempts to obtain consensus.
- Moves the meeting along and does not let the B&C drift off the subject at hand.
- Coaches and helps B&C members develop their skills.

### CHAIRPERSON MISTAKES:

- Uneven treatment of B&C members.
- Failure to maintain a balance between closing discussion in a timely manner and not cutting off discussion before members are ready.
- Allowing the meeting to become too informal or the discussion to drift.
- Losing track of amendments to motions.
- Forgetting to relinquish the gavel when the chairperson becomes enmeshed in an issue.
- Failure to recognize and deal with B&C member objections to procedure or process.
- Failure to protect B&C members and staff from verbal attacks.
- Ignoring input from disagreeing B&C members.
- Not explaining the process being followed to the audience.
- Failure to restate motions before they are voted upon.
- Forgetting to call breaks during long meetings.
- Failure to apply time limits on speakers consistently.
- Not reconvening the meeting at the specified time after a break.
- Not knowing rudimentary principles of Robert's Rules of Order

### **6. MEETING TIMES**

Notification of B&C meetings will be made by the staff liaison or the B&C Chairperson in accordance with current Council policy regarding the length of time required for adequate public notice.

All meetings of B&Cs will be open to the public except as specified by law.

The B&C Chairperson will be responsible for beginning the meetings on time and adjourning at a reasonable hour.



### **7. EFFECTIVE PUBLIC PARTICIPATION**

People presenting an issue to the B&C may have never appeared before a public body. The experience can be intimidating. Anxiety may be displayed through aggressiveness or forgetfulness. Imagine yourself in the position of having to address the B&C. You can help people by:

- Calming and reassuring them.
- Explaining meeting procedures.
- Paying attention and not doodling or reading.
- Actively listening to what they are saying. B&C member questions are not appropriate at the time of public comment.
- Avoiding baiting and lecturing, but don't let this stop you from expressing the reasons behind your vote.

## OPEN MEETINGS ACT COMPLIANCE - ROLLING QUORUM:

The New Mexico Open Meetings Act (Chapter 10, Article 15 Section 1 (B) NMSA 1978) requires B&C business to be conducted in a properly noticed open meeting:

*"All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations, or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting." (Emphasis added.)*

Discussions among B&C members outside the open meeting can run afoul of this statutory provision. In such instances it may amount to what is called a "rolling quorum." A rolling quorum can be avoided by refraining from discussing B&C business outside the meeting room and avoiding e-mail correspondence and/or phone calls related to B&C business.

Compliance with the Open Meeting Act can present complicated questions and concerns. Per the Charter the County Attorney serves as the legal advisor to County B&Cs. If any B&C member has questions or concerns about Open Meetings Act compliance, the member should contact the County Attorney's office for advice and counsel on the matter.



## BEHAVIORS THE PUBLIC NOTICES

B&Cs develop a personality that is quite observable by audience members. Some B&Cs are characterized as being warm and friendly, while others are known as formal and distant. Both verbal and non-verbal actions help define this group personality. Things noticed include:

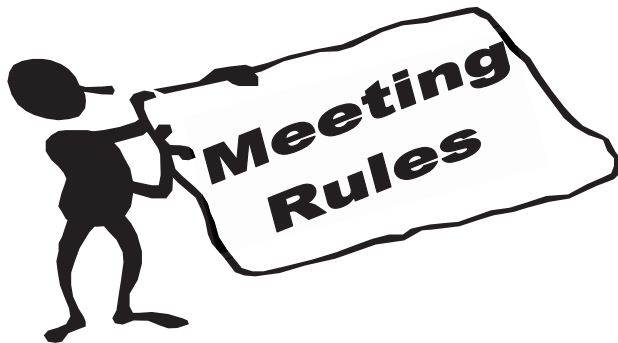
- Whether the chairperson effectively manages the meeting.
- Whether the B&C is respectful of the audience.
- Whether the individual B&C members have prepared for the meeting.
- Whether the B&C members really listen to audience concerns.
- Whether B&C members explain technical terms and jargon.
- Whether the B&C sticks to the agenda and doesn't drift.
- Whether the B&C keeps the audience informed of procedures.

## MANAGING DIFFICULT MEETINGS

From time to time, B&Cs are faced with conducting highly charged controversial meetings. These meetings may involve one or more groups with conflicting views. (Please review the "Public Involvement Guide for Boards and Commissions" for more detailed information on conducting traditional public hearings.)

In a difficult meeting, the participants' demeanor may be characterized by aggressiveness and hostility. Such meetings really test the mettle of the B&C and staff. Consider the following:





#### BEFORE THE MEETING

- Make agendas and back-up reports readily available to participants.
- Make sure adequate seating is available. Consider moving to larger quarters if necessary.
- Make sure sound and recording equipment is adequate and operational.
- Establish and announce rules before the meeting.
- The chairperson and staff should engage in contingency planning before the meeting.
- The chairperson should alert staff to prepare responses for anticipated questions not already answered in the agenda documentation.

#### DURING THE MEETING

- The Chairperson should open the meeting by explaining to all attendees the purpose of the meeting, the issues involved, the possible actions, and the procedures that will be followed at the meeting.
- Don't spend a large amount of time at the beginning of the meeting on routine items such as correcting the minutes.
- Have speakers address the B&C and not the audience. Some speakers are very adept at inciting audiences, especially if they are permitted to face the audience.
- Stop clapping and shouting early. Explain the reasons why such actions are disruptive and counterproductive.
- Don't hesitate to use recesses to help diffuse hostility or aggressiveness.
- Consider limiting speakers to a set time such as three minutes. If

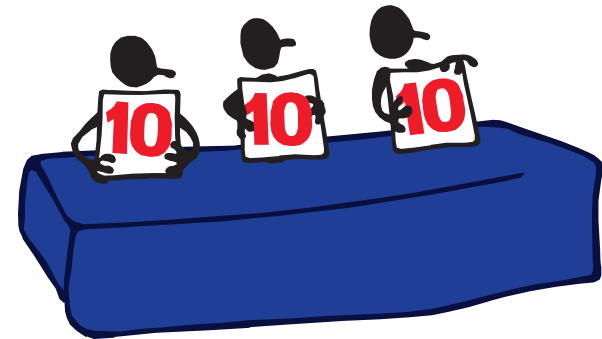
such a procedure is used, make sure it is applied fairly and consistently.

- Continue items that cannot be decided at the meeting. This should not preclude the B&C from allowing anyone who wishes to speak on the issue from doing so.

#### **MAKING TOUGH DECISIONS**

When confronted with a tough problem, here are some questions to consider to help you think through a pending decision. Not all these apply in all situations.

- Is this a matter of public safety?
- What would the impact on the budget be?
- Who will be hurt by the proposed action? Who will benefit?
- Do I have a conflict of interest in this matter?
- Do others who are involved have a conflict of interest?
- Do I have enough information to make a decision?
- Is the proposed action consistent with County Council's goals and budget guidelines?
- Are we dealing with symptoms and not the actual problem?
- What past practices relate to this issue?
- What is staff's recommendation and, if B&C action will not be consistent with staff's recommendation, why not?



**PART II**  
**LOS ALAMOS**  
**COUNTY BOARDS AND COMMISSIONS**  
**PROCEDURAL RULES**  
**Amended by Council on August 6, 2024**

**I. FOREWORD**

These rules are referenced in the County Code Section 8.15 and adopted as a set of operating procedures for all B&Cs, unless otherwise provided by law. The rules are made to facilitate the orderly transaction of public business and discussions. Quasi-judicial hearings conducted by B&Cs 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 superseded by action of the Council or by an action of the B&C that is officially approved by Council.

**II. OFFICERS AND MEMBERS**

1. Election. The B&C shall annually elect a chairperson (herein after called "chair") and a vice-chair from among its members. Each B&C will set the time frame for this election. The chair and vice-chair will serve at the pleasure of the B&C and will be eligible for election to subsequent terms.
2. Chair. The chair shall preside at B&C meetings. In addition, the chair shall:
  - a. represent the B&C in public and, when authorized by the B&C, speak and act on behalf of the B&C;
  - b. communicate and follow up with Council on the activities and recommendations of the B&C;
  - c. keep B&C members informed of events, meetings or other occasions where the Chair acted or will act as the official spokesperson for the B&C;
  - d. ensure that all other B&C members are informed, as soon as practicable, of significant communications directed to the chair. This includes responses from the Council to all B&C reports or recommendations submitted to Council;
  - e. appoint a B&C 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 subcommittees, subject to approval by the County Council ;
  - i. set the agenda for B&C 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 B&C work plan, in consultation with the staff liaison and department director, subject to B&C approval;
  - l. attend the regular B&C chairs' luncheon or designate another B&C member to attend;
  - m. call special meetings;
  - n. assign work to individual B&C members; and
  - o. request less than a quorum of the B&C members, and as appropriate, community members and other advisors, participate in a working group when advice on a subject or range of subjects is needed to gather information and make recommendations to the B&C.
  - p. serve on the interview panel for applicants wishing to serve on the B&C, or select a designee for this role if necessary (e.g., the chair is seeking re-appointment)
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. B&C members.

B&C members, including the chair and vice-chair, have equal powers and duties except as otherwise specified in the B&C enabling legislation and these procedural rules. The chair and vice-chair shall participate in discussion and voting on a basis equal to all other B&C members. In addition to the duties specified in the B&C enabling legislation, B&C 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 B&C to speak for the B&C as a whole (See Procedural Rules Section VI);
  - c. represent the official policies or positions of the County or the B&C to the best of their ability when designated as a delegate for such purpose and report to the B&C 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 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. B&C members shall not lobby for or against County employment of any person. Providing information is permissible.

- ii. B&C 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 Manager 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 B&C 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 B&C meetings and participate in the discussion as a non-voting member. Staff may advocate a particular position on potential B&C actions consistent with Council policy directives, initiatives and goals.

### III. REMOVAL OR RESIGNATION

1. Removal. Except as may be otherwise provided by general law, the County Charter, the County Code, or Council Procedural Rules, B&C 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 B&C, 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 B&C due to their constant inability to attend meetings or to participate in B&C activities may be removed from the B&C.
  - b. Misconduct at meetings. Members whose actions seriously interrupt the orderly process of said meetings may be removed from the B&C.
  - c. Neglect of duty. Members who intentionally disregard duly assigned tasks or repeatedly fail to carry out the responsibilities expected of a B&C member may be removed from the B&C.
  - d. Ineligible to Serve. Members who do not maintain the eligibility requirements for appointment to the B&C may be removed.
  - e. Insubordination. Members who fail to accept direction from the County Council.
2. Resignation. B&C 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 B&C chair. The chair shall notify the entire B&C, the County Manager's Office, and the Department Director of the resignation within one week. A B&C 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

Except as may be otherwise provided by general law, the County Charter, the County Code, or Council Procedural Rules, the following shall apply to interviews and appointment to the County's B&Cs:

1. Los Alamos County residents may apply to serve on one of many B&Cs. Terms for B&C members range from one to five years. Interested citizens may apply for a position on any B&C that has a vacancy.
2. After completing an application, individuals are interviewed by the B&C's Councilor Liaison, Staff Liaison, and B&C Chair or their designee ("Interview Panel").
3. The Interview Panel is responsible for making a recommendation(s) for appointment to the County Council.
4. If the Interview Panel does not have a recommendation for appointment, it shall interview more applicants until an agreed-upon recommendation of the Interview Panel can be made to County Council.
5. The Interview Panel 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 Panel'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 Panel's interview notes.
7. County Council may vote on the set of applicants, may remand the list to the interview committee for additional applicants, or take other action as deemed appropriate.
8. B&C Member appointments require a minimum vote of four (4) of the County Council.

### V. B&C MEETINGS

1. Regular Meetings and other meetings.
  - a. Frequency of meetings. The schedule and/or frequency of the regular meetings of the B&C 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 chairperson 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 B&C'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 B&C shall comply with the annual Council resolution regarding open meeting requirements. The meetings of a B&C shall be open to

the public as specified in the county resolution except when the chairman, or a majority of regular members of the B&C, 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 B&C decisions must be voted upon in public.

- d. Emergency or Special Meetings. The B&C shall comply with the annual Council resolution regarding special or emergency meetings.
- e. Meeting agenda
  - i. The B&C chair, in consultation with their staff liaison is responsible for developing the B&C meeting agenda. Agendas for all B&C meetings will be posted in accordance with the Council's annual Open Meetings Resolution.
  - ii. Any B&C member may request to have an item placed on the agenda. The item will be placed on the agenda as soon as practicable. The B&C 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 B&C with information and/or options or a recommendation for action.
  - iii. A typed agenda shall be prepared for each B&C 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)
    - c) Public Hearings (if applicable)
    - d) B&C Business
      - i. Approval of B&C minutes
      - ii. Chairman's report
      - iii. (Other topics)
    - e) B&C/Staff Communications
      - i. Action Items
      - ii. Staff Reports
      - iii. Working Group or Subcommittee 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 B&C meeting calendar prepared by the County Manager's office, it shall be the responsibility of the B&C 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 B&C meetings. A B&C meeting announcement shall also be posted at the County Municipal Building.

## 2. Meeting Conduct.

- a. Presiding officer. The chair is the presiding officer of B&C meetings and shall conduct the meetings of the B&C 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 B&C 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 B&C 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 B&C meeting is carried out in a civil manner. The chair may require that any person, including a B&C member, yield the floor in order to maintain civility. B&C 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. B&C 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 B&C, 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. B&C members will speak after being recognized by the presiding officer. B&C members, other than the presiding officer, shall be recognized to speak in the order in which the members indicate an interest in speaking. Each B&C 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 B&C members wish to make additional comments. The presiding officer may, to assure the timely completion of the meeting, limit the remarks of a B&C member addressing a particular motion to three (3) minutes. The presiding officer will normally make his or her remarks after all of the other B&C members have been given an opportunity to speak at least once.

- g. Three (3) Minute rule. Any B&C member can enforce the three (3) minute rule (limiting an individual's right to speak to three minutes or less) as a point of order.
3. Voting
- a. B&Cs shall observe the following procedures in voting:
- i. Only regular members of a B&C shall have the privilege of voting on matters or questions under consideration by the B&C.
  - 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 B&C member present shall vote when called upon without abstention or passing. Please refer to the above section "B&C Member Responsibilities" for further clarification and guidance on conflicts of interest. If a B&C member is concerned that a conflict of interest prohibits the member from voting on an item, they should contact the County Attorney's Office in advance of the vote to receive guidance and counsel on the potential conflict of interest.
  - 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 B&C. (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. Public comments will be limited to three (3) minutes unless a different parameter is established by the Chair before public comment begins.. With regard to topics not on the agenda that are raised during public comment, the B&C may not take any action other than to request the topic be placed on a future agenda.

6. Minutes. The B&C 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 B&C 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 B&C. If a B&C 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 B&C must approve, amend, or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until approved by the B&C. After approval by the B&C, the B&C chair will sign the minutes.
  - c. The signed copy of B&C minutes shall be maintained in accordance with the county's record retention schedule by the staff liaison. A copy of the B&C minutes will be sent to the County Manager's Office to be temporarily maintained for Council review.
7. Implementation of B&C Meeting Actions. The Chairman of the B&C shall make all B&C 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 B&C. A significant minority position may be reported if a majority of the B&C directs its Chair to include the minority position in the report. Whenever the Council wishes, it may request a report of the B&C. Reports to the County Manager or Department Director will be in a form as requested by the Manager or Department Director.
- a. County departments may provide staff reports to the County Council, through the County Manager, regarding B&C actions. Such reports may supplement, agree with, or take positions opposed to, the recommendations of the B&C. If a staff report is prepared relating to a B&C recommendation or activity, a copy of the report shall be provided in a timely manner to the chairperson of the B&C before the report is presented to the County Council.
  - b. Conflicts associated with the relationship between a B&C and staff shall be expeditiously referred in writing to the County Manager.
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. B&C 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. B&C members should make themselves familiar with the policy so that they will avoid possible violation of the Inspection of Public Records Act.

## VI. B&C WORKING GROUPS AND SUBCOMMITTEES

### 1. B&C Working Groups

- a. **Membership:** B&C working groups are relatively informal groups that are not subject to the Open Meetings Act and therefore shall be composed of less than a quorum of the B&C and may include members from the community or other advisors or experts. B&C working groups will engage in fact finding and only make non-binding recommendations to the B&C. A current list of the B&C's working groups is maintained by the County Department the B&C works with.
- b. **Establishment:** The Chair of the B&C may create a new working group or may staff an existing working group by requesting that less than a quorum of the B&C's members, and as appropriate, community members and other advisors or experts, participate when advice on a subject or range of subjects is needed to gather information and make recommendations to the B&C. The B&C Chair may appoint an alternate B&C member to the working group, but the total number of B&C members appointed (regular and alternate) must be less than a quorum of B&C members.
- c. **Non-Binding Recommendations:** Any policy recommendations made by a working group to the B&C are not binding on the County or the B&C in any legal or practical way. Any policy recommendations made by a working group are only binding on the County if adopted by the Council at a public meeting.
- d. **Participation in Working Groups:** Requests for participation in working groups will be made annually by the Chair of the B&C on a rotational basis so that other B&C members and/or community members will have the opportunity to participate, unless the Chair determines that there is good reason for the existing members to continue participating in the working group.

- e. **B&C Members Responsibilities.** B&C members who agree to participate in a B&C working group shall make reasonable efforts to attend meetings of the working group. If the B&C member is unable to attend meetings on a regular basis, the B&C member shall notify the Chair and request that another B&C member be appointed to the working group. B&C members participating in a working group should assure the working group focuses its efforts on the matter assigned and provides recommendations to the B&C on the matter assigned. To avoid a rolling quorum, members of the B&C who have not been assigned to a given working group may not attend meetings of the working group. B&C members participating in a working group may not discuss the working group's business with other members (of the same B&C) outside of a public meeting of that B&C.

- f. **Reporting to the B&C:** When a working group is ready to report to its B&C or otherwise needs to communicate with its B&C, a member of the working group shall make a request to the Chair to be placed on the B&C's agenda. The Chair shall honor this request and place the working group on the earliest convenient agenda for the B&C. However, working groups shall be placed on the B&C's agenda to provide updates on their work to its B&C at least once a quarter.

### 2. Subcommittee Purpose and Council Approval

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

### 3. Subcommittee Creation

The motion seeking to create a subcommittee must approve a recommended charter for consideration by the County Council that, at a minimum, sets 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

Once the B&C approves a recommended charter for the subcommittee, the matter shall be placed on a Council agenda for consideration by the County Council.

4. 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 B&C and can include volunteer citizens that are not currently serving as members of the parent B&C, 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. As the subcommittee is created through formal action of the Council approving the subcommittee's charter, the subcommittee must comply with Council's annual Open Meetings Act resolution.
- d. B&C Membership. A subcommittee's purpose is to advise the B&C. 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 B&C 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 B&C subcommittee. Please refer to the above section "B&C Member Responsibilities" for further clarification and guidance on conflicts of interest. If a board member is concerned that a conflict of interest exists, they should contact the County Attorney's Office to receive guidance and counsel on the potential conflict of interest.
- g. Term of Membership. The members of subcommittees can serve terms of no more than two years unless approved by Council.
- 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 B&C subcommittee.

5. 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 B&C.
- b. The Chair of the subcommittee will make or prepare subcommittee reports to the B&C. The Chair 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 Chair to include the position in the report. Whenever the B&C wishes, it may request a report of the subcommittee.

6. Subcommittee Staff Support/Resources.

- a. Prior to the passage of a motion recommending the County Council create a new subcommittee or renew the term of an existing subcommittee, the B&C 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 B&C subcommittee.

7. Subcommittee Term of Existence.

- a. Each subcommittee 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 County Council extending the subcommittee's charter before the expiration of the subcommittee. A request by the B&C to the County Council to renew a subcommittee for an additional year period may be contained in the B&C's annual work plan approved by Council or by having the matter placed on Council agenda separately. The purpose of the one-year limited term is to encourage review for relevancy, duplication, focus, enhancement and performance. One-year terms 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 an efficient manner best suited to the subcommittee's needs that does not overly-burden county resources and staff time.
- b. If the subcommittee expires prior to Council extending the subcommittee's charter, the B&C may pass a motion requesting the County Council revive and extend the subcommittee's charter. Upon passage of such a motion the matter shall be placed on a Council agenda for consideration by the County Council.

VII. CLARIFYING STATEMENT

A B&C member may attend any meeting, public or private, provided that there is not a quorum of the B&C at the meeting (if proper public notice has not been given) and

provided that, prior to speaking on a matter of the B&C business, or County business in general, the B&C member 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.

#### VIII. EXPENDITURE OF PUBLIC FUNDS

B&Cs cannot expend funds or create liabilities unless expressly authorized by law or otherwise authorized by the County Council.

#### DEFINITIONS

The Charter of the incorporated County of Los Alamos states that:

*"The Council may create boards or commissions to advise the Council, the County Manager, or department heads, to hear appeals concerning any County operation, or to make investigations or reports the Council may designate. No B&C or Commission created by the Council shall have any authority except as granted by Council." - Article III Section 305. (Ord. 388 §4, 1994)*

The following definitions shall apply to terms used in conjunction with Los Alamos County B&Cs:

**Board or Commission** -- A Board or Commission that is an ongoing volunteer citizen body created by ordinance or Council motion with a specified number of members who serve set terms.

**Board or Commission subcommittee** - a subcommittee that is subordinate to and created for the B&C by County Council approval of that subcommittee's charter. The subcommittee must be re-affirmed annually by the County Council.

**Regular Member** -- A voting member of a B&C by virtue of appointment by the County Council.

**Ex-Officio Member** -- A non-voting member of a B&C by virtue of office, the County Charter or Code, or by appointment by the County Council, County Manager, or Department Director.

**Working Group** -- A relatively informal group created by the Chair of a B&C requesting that less than a quorum of the B&C members, and as appropriate, community members and other advisors or experts, participate in the group on a subject or range of subjects is needed to gather information and make recommendations to the B&C that are not binding on the B&C or Council in any legal or practical way. Working Groups are not subject to the Open Meetings Act.

Exhibit A:



LOS ALAMOS

Sample Agenda  
Name of B&C  
Location of Meeting  
Date and Time of Meeting

#### I. CALL TO ORDER/ROLL CALL

#### II. PUBLIC COMMENT

#### III. PUBLIC HEARINGS (if applicable)

#### III. B&C BUSINESS

- A. Approval of B&C Minutes
- B. Chairperson's report
- C. (List other topics)

#### IV. B&C/ STAFF COMMUNICATIONS

- A. Action Items  
(List individual items)
- B. Staff Reports  
(List individual items)
- C. Working Group and Subcommittee Reports  
(List individual items)

#### VI. PUBLIC COMMENT

#### VII. INFORMATIONAL ITEMS

If applicable, set date/time for next meeting

#### VIII. ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Department at 662-8040 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the personnel in the Office of the County Manager at 662-8080 if a summary or other type of accessible format is needed.