Gila County Policy BOARDS, COMMISSIONS AND COMMITTEES	Policy Number: BOS-COB-002 Adopted by BOS: 2-5-2013 Revised: 2-18-14	Page 1 of 1

I. **PURPOSE**:

The purpose of this policy is to establish uniform appointment and operational guidelines for existing or future members of Gila County Boards, Commissions and Committees (BCCs).

II. **POLICY**:

The Clerk of the Board of Supervisors has responsibility to coordinate with all Staff Liaisons to ensure compliance with all of the requirements for BCCs assigned to each Staff Liaison.

All Staff Liaisons, as designated by the County Manager, are responsible to ensure that members of any BCC appointed by the Board of Supervisors adhere to all applicable state statutes and bylaws of a specific board, commission or committee and any other requirements as outlined in the Staff Liaison's Handbook.

SIGNATURES:

CHAIRMAN, BOARD OF SUPERVISORS 2-18-2014 **DATE**

* See attached Boards, Commissions and Committees Staff Liaison's Handbook

I. AUTHORITY AND RESPONSIBILITIES:

Clerk of the Board of Supervisors Department

The Clerk of the Board of Supervisors Department maintains the official file for all Gila County Boards, Commissions and Committees (BCCs). The official file contains information regarding the creation of the BCC, the scope, membership roster, statutory disclosure and meeting information as prescribed by the Arizona Revised Statutes and further defined in the Arizona Attorney General's Handbook, Chapter 7 – Open Meetings.

To ensure compliance with all of the requirements for BCCs, the Clerk of the Board of Supervisors shall:

- Finalize matters relating to BCCs on the meeting agenda for Board of Supervisors' action.

- Notify the Staff Liaison within 48 hours of the official action of the Board of Supervisors for any Member's appointment or reappointment to a BCC.

- Ensure that all signed Loyalty of Oath of Office for each Member is filed in the Clerk of the Board of Supervisors Department. *(A sample form is attached.)*

- In conjunction with the County Attorney's Office, provide orientation and training to Staff Liaisons and Gila County staff for compliance with the Arizona Open Meeting Law and on any statutory or departmental procedures relating to BCCs.

- Ensure that a Disclosure Statement for each BCC is filed in the Clerk of the Board of Supervisors Department. *(A sample form is attached.)*

- Maintain/update the Gila County Board of Supervisors' BCC Manual on a monthly basis for distribution. This manual provides summary information on each established BCC.

- Update and maintain information on the membership and terms of office for all Gila County BCCs on the Gila County website.

- Update and distribute a Membership List to those individuals who have been issued a Gila County Board of Supervisors' BCC Manual and to the appropriate Staff Liaison

within one week from the time the Board of Supervisors takes an official action on any BCC.

- Keep on file a copy of all BCC meeting notices, agendas and minutes in accordance with the retention/destruction schedule as prescribed by the Arizona Department of Library, Archives and Records.

Staff Liaison

Each individual BCC has an assigned Staff Liaison. The Staff Liaison shall:

- Attend training conducted by the Clerk of the Board of Supervisors Department to gain a thorough understanding of all statutory and procedural responsibilities of this position.

- Notify any new Member and new County staff of the date, time and location of orientations and trainings as scheduled by the Clerk of the Board of Supervisors Department.

- Ensure that the appointee file an executed/notarized Loyalty Oath of Office with the Clerk of the Board prior to participating in any official BCC business pursuant to A.R.S. §38-231 and A.R.S. §38-291. Members have no voting rights until they have executed their Loyalty Oath.

- Provide an information packet to each newly appointed Member which contains the following:
  - a notification letter of appointment *(A sample letter is attached.)*
  - a copy of the Arizona Attorney General's Open Meeting Law Handbook, Chapter 7 – Open Meetings and Chapter 8 – Conflict of Interest; and,
  - a Loyalty Oath of Office

- File a Disclosure Statement with the Clerk of the Board of Supervisors Department and update/amend as necessary. *(A sample form is attached.)*

- Ensure that all notices of BCC meetings are posted within the statutory 24 hour limit.

- Provide the Clerk of the Board of Supervisors Department with a copy of each BCC notice and meeting agenda at the time of posting and a copy of meeting minutes within 2 days after BCC official approval.

- Ensure that each Member meets attendance requirements. (If a Member does not meet attendance requirements, prepare and submit the Member's dismissal/removal from office on a future Board of Supervisors' meeting agenda.) *(A sample meeting attendance policy and roster is attached.)*

- Set matters relating to BCCs on the meeting agenda for Board of Supervisors' action through the AgendaQuick™ electronic meeting agenda system in a timely manner.

- Notify the Clerk of the Board for the following:

  1. Members' resignations or other vacancies.

  2. Changes in officers, structure or function of a BCC.

  3. Changes in meeting location or standard meeting dates and times.

  4. Changes in any applicable statutes and/or bylaws for any BCC.

<u>Member</u>

Upon acceptance of an appointment, a Member shall:

- Pursuant to A.R.S. §38-431.01(G), a person elected or appointed to a public body shall review the Open Meeting Law (OML) materials at least one day before the day that person takes office. *(A link to OML materials is provided on the Gila County Website.)*

- Immediately execute a Loyalty Oath of Office and file it with the Clerk of the Board of Supervisors Department. Elected Officials appointed to BCCs are not required to execute another Loyalty Oath. Members are not eligible to vote until they have executed and filed their Loyalty Oath.

- Attend scheduled meetings. Lack of attendance can result in a lack of a quorum, thereby, hindering the activities of the respective BCC. If the occasion arises when a Member cannot attend, the Member should notify the Staff Liaison.

Members may be dismissed/removed from office due to:

- Failure to meet attendance requirements. Members who miss 4 consecutive meetings or 40 percent of the meetings in a calendar year could be removed from the respective BCC.

- Failure to execute and file a Loyalty Oath.

- Having been appointed with the designation which states, "Serving at the discretion of the Board."

II. GENERAL INFORMATION:

The Board of Supervisors formally approves the establishment, composition, scope and membership requirements for Gila County BCCs.

III. AGENDA PROCEDURES:

All appointments/reappointments to BCCs must be placed on a Board of Supervisors' meeting agenda for official action.

- BCC agenda items are to be submitted into AgendaQuick™ by the Staff Liaison or his/her designee in accordance with the Board of Supervisors' AgendaQuick™ Meetings and Deadline Schedule. The following materials need to be electronically attached to the agenda item: Membership list with any proposed changes outlined in blue lettering, correspondence, resume, letter of interest, etc.

- A hard copy of the agenda review form and all of the attachments must be delivered to the Clerk of the Board of Supervisors Department in accordance with the Board of Supervisors' AgendaQuick™ Meetings and Deadline Schedule.

- The Board of Supervisors' AgendaQuick™ Meetings and Deadline Schedule is located on the Gila County Intranet.

IV. APPOINTMENT DESIGNATION DEFINITIONS:

- Statutory District Appointment: Member must reside within the supervisorial district boundary from which he/she is appointed.

- Supervisor Appointment: Member unrestricted by district.

- Joint Appointment: Membership is comprised of appointments from different jurisdictions. Appointments made by other entities are ratified by the Board of Supervisors.

- County at Large: Members are unrestricted by district and can be recommended for appointment by any supervisorial district or by the committee.

- Alternate Members: As defined by individual Committee criteria.

V. TRANSMITTAL FORMS:

Standard information is required to establish a new BCC, change the purpose, scope, appoint/reappoint members or amend membership criteria. To assist in compiling this information, the following two forms have been developed:

- Gila County Boards, Commissions and/or Committees Membership Form *(A sample form is attached.)*

  Provides information regarding names of Members, type of appointment, new appointment or reappointment, dates of term of office, and length of term of office.

- Gila County Board, Commissions and Committees Report – Compliance Checklist *(A sample form is attached.)*

  Provides information for the establishment/amendment of a BCC stating the purpose, authorization, and meeting information.

VI. ARIZONA OPEN MEETING LAW OVERVIEW

The Staff Liaison provides a copy of the Arizona Attorney General's Handbook, Chapter 7 – Open Meetings and Chapter 8 – Conflict of Interest, to each new appointee to a Gila County BCC. (The Open Meeting Law materials are also available on the Gila County website.) The following is an abbreviated overview:

- Disclosure Statement

The first step to compliance is the filing of a Disclosure Statement by the public body identifying where public notices of its meetings will be posted. This should be filed with the Clerk of the Board of Supervisors Department prior to holding the first meeting of a newly formed committee and updated/amended as needed.

- Posting Notices

Public notice must be given for all public meetings and executive sessions at least 24 hours in advance. To establish order and uniformity in the posting of County notices, the following procedures should be implemented:

1. All original meeting notices shall be filed with the Staff Liaison at least **48 hours prior** to a meeting to ensure compliance with statutory posting requirements. The meeting notice must include the following information: location/address, day/date, time and information on where to obtain a copy of the agenda.

2. The Staff Liaison will be responsible to ensure the meeting notice has been posted in the official County places and any other designated places as listed on the Disclosure Statement.

- Loyalty Oath of Office

In accordance with A.R.S. §38-231, all appointed members are required to execute a Loyalty Oath, with the exception of Elected Officials.

- Conflict of Interest

Conflict of Interest is defined in A.R.S. §38-503 and further explained in the Arizona Attorney General's Handbook, Chapter 8. Any BCC member who by definition has a conflict of interest must file a statement explaining the conflict with the Staff Liaison.

- Minutes/Public Records

A.R.S. §38-431.01 (B), defines the minute/public record requirements for BCCs. BCCs required to take minutes should provide a copy for inclusion in the Clerk of the Board of Supervisors Department's records.

LOYALTY OATH OF OFFICE
(Name), (Title), (Office)

I, the undersigned, hereby execute this document in compliance with A.R.S. §38-231; Officers and employees
required to take loyalty oath; form; classification; definition

A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.

B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.

C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section 13-2301 the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.

D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.

E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation:

State of Arizona, County of Gila

I, **(Name)**, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of **(Name of Office)** according to the best of my ability, so help me God (or so I do affirm).

_____
(Signature of Officer)

F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district, or public educational institution.

Subscribed and sworn to before me on this _____ day of _____2014.

(SEAL)

_____
Notary Public in and for the County of Gila,
State of Arizona

(Place on official County Letterhead)

(Date)

Name
Address
City, State, Zip

Re: Appointment to (Name of BCC)

On (Board of Supervisors' meeting date), the Gila County Board of Supervisors approved your appointment to serve on the above-referenced (state Board, Commission or Committee).

To help you serve in this capacity, enclosed is an information packet containing a copy of the Attorney General's Office Summary of Arizona's Open Meeting Law, which includes Chapter 8 "Conflict of Interest", and a Loyalty of Oath of Office for your appointment.

A.R.S. §38-231 mandates that all Gila County Board, Commission and Committee members be administered a Loyalty Oath of Office prior to beginning their term. Your signature on the enclosed Loyalty Oath of Office must be witnessed by a Notary Public and returned to the Clerk of the Board of Supervisors Department for official filing. Please note that you will be unable to participate in any official Board, Commission and Committee business until you have executed your Loyalty Oath of Office. **Please return your notarized oath to the Clerk of the Board of Supervisors Department by (date).**

Thank you for your prompt attention to this matter.

Sincerely,

(Name and Title)

Enclosure
cc: M. Sheppard, Clerk of the Board

DISCLOSURE STATEMENT

STATEMENT OF LOCATIONS WHERE ALL NOTICES OF THE MEETINGS OF THE [NAME OF PUBLIC BODY] WILL BE POSTED

Pursuant to A.R.S. § 38-431.02, the [name of public body] hereby states that all notices of the [name of public body] and any of its committees or subcommittees will be posted [identify the location where notices will be posted and include the hours during which such locations are open to the public, for example, "in the glass case which is located on the west wall of the Courthouse main entrance, 1400 E. Ash Street, Globe, Arizona. 1400 E. Ash Street, Globe, Arizona. This location is accessible to the public Monday through Sunday, twenty-four (24) hours per day."] Such notices will indicate the date, time, and place of the meeting and will include an agenda or information concerning the manner in which the public may obtain an agenda for the meeting.

Dated this _____ day of _____ 2014.

[name of public body]

_____

By [authorized signature]

MEETING ATTENDANCE POLICY AND ROSTER

"A member of a body who misses four (4) consecutive meetings for any reason or who fails to attend for any reason at least forty (40%) percent of the meetings called in a calendar year is automatically and immediately removed as a member of the body."

Please keep a cumulative attendance record by entering "P" for present and "A" for absent in the column corresponding to the month of the meeting. Include each meeting called, even if no quorum was present. This form need not be prepared for meetings cancelled for reasons other than lack of a quorum (holiday recess, summer schedules, etc.)

Forward a copy of this record IMMEDIATELY to the Staff Liaison, whenever it indicates that a member is not in compliance.

NAME OF PUBLIC BODY: _____

Member's Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

[NAME OF BOARD, COMMISSION OR COMMITTEE]

(Proposed to the BOS on (DATE) and if approved, the list will be as follows)

Note: The line above should always be in blue lettering as well as any of the proposed changes.

Name of Member & Appointment Info.[1]	Appointment Designation[2]	Appointment Type[3] & BOS Approval Date	Time Served Prior to Current Appointment	Term of Incumbent (End date must match end date of Term of Office)	Term of Office (Only change when new term cycle begins

[1] Appointment Information:

A. Date of creation:
B. (Other pertinent information pertaining to the board, commission or committee and its membership requirements.)
C.

[2] Appointment Designation:

A. Statutory District Appointment: Member must reside within the supervisorial district boundary from which he/she is appointed.
B. Supervisory Appointment: Member unrestricted by district.
C. Joint Appointment: Membership is comprised of appointments from different jurisdictions. Appointments made by other entities are acknowledged by the Board of Supervisors.
D. County at Large: Members are unrestricted by district and can be recommended by appointment by any supervisorial district or by the committee.
E. Alternate Members: As defined by individual committee criteria.

[3] Appointment Type

A. New Appointment
B. Existing vacancy created by (provide name)
C. Reappointment (include number of years/months served prior to most recent appointment in right-hand column)

GILA COUNTY

BOARDS, COMMISSIONS AND COMMITTEES REPORT

COMPLIANCE CHECKLIST

Name	
Gila County Staff Liaison	
Legal Basis for Establishment	
Date of Creation	
Bylaws	
Charter	
Legal Counsel	
Assigned Areas of Responsibility	
Membership	
Terms of Office	
Appointing Authority	
Meeting Schedule	
Location	
Meeting Legal Posting and Advertising	
Meeting Agendas	
Meeting Minutes	
Funding Sources	
Amounts	
Significant Actions and Accomplishments	
Notes -	