

Advisory

Board/Committee

Resource Manual

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The Role of a Board Member and Resources Available

Citizen Participation through Boards and Committees

The citizens of Cowlitz County have enjoyed a long tradition of participation in county government. Through representation on Boards and Committees, Washington residents are offered an important avenue to help create effective and equitable laws and policies. Citizen involvement contributes not only to the success of their government, but to their overall quality of life as well.

Citizen participation works at all levels of county government and covers a broad range of issues, such as education, the environment, health care, social services, economic development, and transportation. **(Some committees appointed by the Board of Commissioners shape policy for county agencies and departments, others prepare regulations governing specific program areas, and some serve solely in an advisory capacity).**

In selecting members, the Board of Commissioners strives to bring a balance of experience and education as well as geographic, gender, and ethnic diversity. This helps ensure that decisions reached and services rendered more adequately reflect the wants and needs of all populations being served.

Cowlitz County's system of Boards and Committees is fundamental to encouraging the use of citizen talent and interest in affairs of the county, keeping government innovative and responsive, and improving the overall performance of county government.

Types of Boards and Committees

Boards and Committees are created by state laws and rules, county ordinance, or resolution of the Board of Commissioners.

Each committee is unique in its purpose, mission, and role. It is especially important that members be familiar with their committee's governing statutes or other authorizing documents so they understand the framework within which the committee must operate. Copies of your committee's governing statutes or authority may be obtained from the staff assigned to your committee. There are two main types of committees:

Advisory Boards and Committees

The Board of Commissioners, elected officials or department heads may create these. The members serve as advisors on policy and/or operational matters to a department or to the Board of Commissioners. Advisory boards may study existing policy and/or operational procedures and make recommendations for changes or implementation. Advisory boards do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of county government. If specifically authorized by the creating document, advisory committees may also be responsible for internal rule making in the area of their function. An example is the fair board which makes rules regarding fair operation.

Regulatory Boards and Committees

Usually, these committees are created by the Board of Commissioners, and perform rule-making or quasi-judicial functions. In fulfilling these functions, the committee may operate as a legislative body or as a review and appeals body. As an appeals body, regulatory committees hear individual cases and rule on them; committee decisions, however, are usually subject to judicial, hearing officer, or Board of Commissioner appeal. Examples of regulatory committees are the Civil Service Commission and the Board of Equalization.

The Advisory Role

Members of advisory bodies provide an important link between the public and county departments, and the Board of Commissioners. The information that members provide about community needs and opinions can have a profound effect on county policies and lead to improved service. Advisory committee members play a very special role in creating recommendations on important societal and governmental issues.

If you are appointed as a member of an advisory committee, you will be expected to:

- Interpret community opinions, attitudes, and needs to departments and the Board of Commissioners.
- Study programs and services, and analyze problems and needs. Offer new proposals and recommend changes in programs, policies, and standards.
- Provide the public with information and interpretation of department and county policies, programs, and budgets.
- Advisory committees support and counsel departmental and commissioner staff. They make important recommendations about policy. Most advisory committees, however, do not create or administer policy, programs, or services, unless this power is granted to them by their authorizing document.

- When presenting recommendations to any department or the Board of Commissioners, it is essential that committee members keep the following in mind:
- All recommendations should be in written form.
- All ideas should be expressed in clear and concise language.
- Proposed solutions should be viable and cost-effective.
- Recommendations should identify the reasons for the changes suggested.
- The advice should reflect a consensus or a majority of the committee members.

About Policy-Making

As a committee member, it is your responsibility to be knowledgeable about committee policies and changes. It is important that you understand the fundamental meaning and characteristics of policy.

Policy is a written statement. It is intended to be a guiding principle defining an organization's intent and direction. Policy should be set forth in broad terms so that it may remain applicable and usable for a long period of time. It should not be so detailed that it dictates how, when, or where things must be done. Policy may be amended, rewritten or abolished. Policy should be reviewed periodically to ensure that it remains appropriate. Policy should be stated clearly, timely and concisely.

Committee interpretative policy statements should be made available to the public in compliance with the Administrative Procedure Act, RCW 34.05.230 and Cowlitz County administrative policies. This requirement is most applicable to regulatory committees.

Rule Making

Committees may engage in rule making *only* if the Board of Commissioners has specifically delegated that authority in the committee's enabling document. Rules are generally created to provide interpretative support for a county ordinance. Most committees are granted authority to establish the rules and regulations necessary to implement their own powers under a statute or ordinance; however, a committee may not pass rules which go beyond the scope of its authority.

A rule is any agency order, directive, or regulation of general applicability. It may set forth standards and expectations in general terms or may deal specifically with day-to-day objectives. A rule, rather than a policy, is adopted when the subject matter affects the public or another agency of government, or when an ordinance directs that a rule be adopted.

Once adopted, a rule has the force of law, and all people or entities to which the rule applies must adhere to it. Failure to adhere to rule may subject a person to a penalty or administrative sanction.

Legal Guidelines

In developing rules, the committee should keep the following guidelines in mind:

- The committee must have authority by statute or ordinance to adopt the rules and may adopt only those rules supported by that authority.
- The committee may not adopt a rule, which conflicts with law or the constitution.
- The legal counsel from the Prosecuting Attorney's Office should approve all proposed rules.
- The committee must give notice to the public regarding the intent to adopt the proposed rule, and hold a public hearing.
- Rules must reflect a consensus or a majority of members of the committee.
- The committee must take into account the economic impact of the proposed rule on consumers, business, industries, occupations, and others who may be affected.

Being an Effective Committee Member

Cowlitz County's Boards and Committees vary in size and complexity. Because committee members are in a critical position to shape and influence County decisions and actions, it is important that each member keeps informed and up-to-date on issues, legislative activity, resolutions, and laws affecting their committee.

Attendance

A committee member may forfeit his or her position on the committee as a result of poor attendance. Regular attendance is essential so that decisions may more truly represent the opinions of the committee as a whole. In addition, regular attendance enables committee members to keep abreast of committee concerns and helps ensure that issues are examined from a variety of perspectives. The bylaws of your committee should define attendance requirements.

Preparation

Adequate preparation is another requisite for effective membership on the committee. Your committee's staff members will provide reports, proposals, and other information to

help you make informed decisions. Do not hesitate to request any additional information you need in order to make thoughtful and appropriate decisions.

Effective Committee Members:

- Attend all committee meetings.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the committee must operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the committee.
- Are respectful of differing opinions.
- Examine all available evidence before making a judgment.
- Communicate well, and actively participate in group discussions.
- Are aware that authority to act is granted to the committee as a whole, not to individual members.
- Possess a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary in order to reach group consensus.
- Do not let personal feelings toward other committee members or staff interfere with their judgment.

Committee Staff Members

Some committees have dedicated employees to perform administrative tasks. There are, however, a number of county committees that work within a department or have access for advice from the department. If a committee works within a specific department, certain central support services will usually be made available to the committee, consistent with staffing capacity.

Staff Functions

The primary function of county staff assigned to a committee is to provide administrative support to the committee. In addition, the staff members notify committee members of pertinent issues and legislative activity by the Board of Commissioners, the state, or the federal government. They also arrange meetings, prepare meeting materials, compile

background information, and conduct research. Department staff members serve as an important link and coordinator with other committees and departments, the Prosecuting Attorney, the Board of Commissioners, and the public.

County staff members are a valuable resource for committee members. Staff support can enhance the productivity and effectiveness of a committee. Committee members should not hesitate to ask for help in carrying out their responsibilities in accordance with guidance set forth in bylaws and policy.

Access to Legal Counsel

The Prosecuting Attorney is the county's chief legal officer, and is elected for a term of four years. The Prosecuting Attorney is responsible for providing a broad range of legal services to public officials and others.

Legal Counsel

The Prosecuting Attorney serves as legal counsel to the Board of Commissioners, elected and appointed officials, staff, and Boards and Committees. The Prosecuting Attorney advises and represents county departments and their employees as they fulfill their official duties, issues legal opinions, and defends county officials and employees for actions performed in their official capacities and in good faith.

When to Involve the Prosecuting Attorney

The Prosecuting Attorney can provide valuable information and advice regarding statutes, ordinances, and legal issues. A committee that follows the advice of the Prosecuting Attorney increases immunity from liability and is far less likely to find itself involved in legal problems. Committee members may direct inquiries to the Prosecuting Attorney through the committee's county staff member on subjects such as the following:

- Assurance that committee decisions and actions fall within statutory authority.
- Questions about conflict of interest.
- Review of proposed regulations and revisions, and the drafting of such documents in legally correct language.
- General legal advice about committee actions and activities.

Committee Budgets

Committee members should be aware that, for most Boards and Committees, the cost of doing committee business is funded through the county department to which the committee is supported. County budgets are limited and expenditures must be coordinated with the committee's county staff member.

Laws Affecting Board and Committee Activities

Restrictions and Requirements

As a Board of Commissioner's appointee, you should be aware of certain restrictions and requirements that may affect you during your tenure as a committee member.

- Committee members must be familiar with and operate within their committee's governing statutes and bylaws, and county, state and federal laws at all times.
- To ensure accountability, all applicable policies and procedures adopted by the committee should be in written form.
- No committee member may make unilateral decisions or take action without the consent of the committee as a whole.
- At professional gatherings, individual committee members must use discretion to avoid the appearance of speaking for the committee, unless specifically authorized to do so.
- Committee members must keep in mind that their mission is to serve the public, and that it is inappropriate to use committee membership to create a personal platform.
- Members are restricted by RCW 42.52.130, 140, 150, and 42.17.230 from accepting or soliciting anything of economic value as a gift, gratuity, or favor if it is given only because the member holds a responsible position with the county.
- Questions about committee issues should be directed to the committee's chair or the county staff members who support the committee, who will see that all committee members receive full information by the next regular meeting.
- Details of committee investigations, personnel files, or business discussed at closed executive sessions should not be disclosed unless they are part of the public record.

Open Public Meetings Act

Notification of Meetings. The Open Public Meetings Act, RCW 42.30 requires that all meetings of the governing body of a public agency, as well as other meetings regarding policies affecting the public, be open to the public. In addition, the public must be notified of such meetings in a timely manner.

Confidential Transactions

Exceptions to the Open Public Meetings Act include confidential subjects such as personnel matters and real-estate transactions, which may be dealt with in "executive sessions." For most boards and committees, executive sessions should be rare.

Public Disclosure

The minutes of all regular meetings must be recorded and made available for public inspection. The Open Public Meetings Act applies to most all boards and committees of the county. Regardless of whether the Act applies; all committees should be in compliance with open meeting requirements.

Accessibility Requirements

To afford members of the public who have disabilities an equal opportunity to participate, meetings subject to the Open Public Meetings Act shall be held in facilities that are wheelchair accessible.

Reasonable Accommodation of Persons with Disabilities

In addition to the Open Public Meetings Act, the Americans with Disabilities Act (ADA) sets criteria for accessibility and accommodation. Under the ADA, people who have disabilities have a right to an equal opportunity for effective participation in the activities of boards and committees, whether as appointed members or as members of the public.

Accessible Locations and Communications

Meetings and other board or committee sponsored activities should be held in wheelchair accessible locations.

Administrative Policies

The county has adopted administrative policies, which may apply to Boards and Committees.

Committee members should be familiar with the county's administrative policies.

CODE OF ETHICS POLICY

The proper operation of government requires that actions of public employees be impartial; that government decisions and policies be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

All elected officials, employees and volunteers of the County shall:

- A. Avoid real and potential conflicts between private interests and public duties, remembering that the public interest must be their principle concern, and remembering that the appearance of conflict can be just as damaging as real conflict.
- B. Keep confidential all information acquired through their position, which may be used for personal or financial gain for themselves or others.
- C. Refrain from securing special privileges or exemptions for themselves, their relatives, and other persons, that are not available to all citizens.
- D. Avoid receiving, soliciting or otherwise obtaining anything of value from any person that is intended to influence the performance of official duties.
- E. Disclose to the appropriate authority the nature and extent of any financial or personal interest in a County contract or other official business when participating in discussions of or giving an opinion on the matter.
- F. Seek no favor and confer no favor in the performance of official duties; abide by the principle that personal profit by misuse of public time is dishonest.

As a board member you are expected to uphold a high standard of ethics. It is extremely important that board members avoid conflicts of interest or even the *appearance* of conflicts of interest.

The Board of Cowlitz County Commissioners may remove board members who do not live up to these standards.

Res. 04-098, 6-1-04

I have read and agreed to this policy.

Name _____ Signature _____

Date _____

Board and Committee Transactions

Bylaws

Every Board and Committee should have a set of bylaws to direct and clarify its actions, procedures, and organization. Bylaws are the guidelines by which a committee functions. Each Board or Committee may either develop its own set of bylaws or choose to adopt the meeting guidelines outlined below as their bylaws.

According to *Robert's Rules of Order*, bylaws define the primary characteristics of an organization, prescribe how it should function, and include rules that are so important that they may not be changed without prior notice to members and formal vote and agreement by a majority of members. Ordinarily, bylaws may only be changed by a two-thirds majority.

If a committee chooses to adopt its own bylaws, they will generally include a number of articles, such as the following:

- Name of committee
- Mission statement
- Membership
- Officers
- Meetings
- Committees, subcommittees
- Parliamentary procedure - often including the name of the manual of parliamentary procedure the committee will follow.
- Amendment procedures for making changes in the bylaws.

Bylaws should include expectations as well as guidelines for members. Issues such as attendance, responsibilities, and discipline should be addressed in the bylaws. Committee members are expected to adhere to bylaws and all relevant statutes.

Meeting Guidelines

Quorum Required

If a quorum consisting of at least 50 percent of the committee's members is not present, any business transaction is null and void. The quorum protects against unrepresentative actions by a small number of individuals. In some cases, the governing law or document will establish what the quorum will be.

At meetings where a quorum is not present, the only actions that may be legally taken are to fix a time for adjournment, adjourn, recess, or take measures to obtain a quorum (such as contacting absent members).

Officers and Minutes

At the first meeting of each calendar year, the committee shall elect a chair who shall preside at meetings. The committee may choose to either elect a vice-chair or the elected chair may appoint a vice-chair. The vice-chair shall preside in the absence of the chair and shall be responsible for, or cause the recording and distributing the minutes. Minutes of all meetings shall be forwarded to the assigned county department and/or the Board of Commissioners.

Meetings and Order of Business

For committees that meet on a regular basis, the chair shall set regular meeting dates as far ahead as practical. For committees that meet as needed or on an ad-hoc basis, the chair shall notify all committee members of any meeting called to conduct business.

After the presiding officer has called the meeting to order, the committee will generally follow the order of business specified in its below:

Reading and approving of minutes of previous meeting(s).
Reports of officers and standing (permanent) committees.
Reports of special (select or ad hoc) committees.
Special orders (matters previously assigned a special priority).
Unfinished business and general orders (matters introduced in previous meetings).

- New business (matters initiated in present meeting). *Roberts Rules of Order* (simplified) will generally be followed for conducting business.

The Chair and Voting

The chair may vote just as any other member. A chair has only one vote; the chair may not vote as a member of the committee and also a presiding officer. Voting by secret ballot is prohibited by the open meetings law.

Voting will generally be by a show of hands. Votes will be recorded by number of yeas and nays. Any member may, prior to the vote being conducted on any issue, request the recording of a roll call vote. Such vote shall be recorded in the minutes.

Subcommittees

Sub-committees may be appointed by the chair. Reports, findings, and recommendations of sub-committees will be returned to and approved by the full committee prior to adoption as an official report or action of the committee.

Public Disclosure

All county departments, committees and boards are required to have available for public inspection and copying, public records such as procedural rules and statements of general policy, and other records, written or electronic, pertaining to the committee's business. Exemptions to disclosure are very limited and are specifically identified in statute.

For additional information regarding disclosure requirements, and exemptions from disclosure, refer to RCW 42.17 and consult with the Prosecuting Attorney.

Influencing Ballot Measures

RCW 42.17.130 strictly forbids the use of public facilities for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition unless they are activities which are a part of the normal and regular conduct of the office or agency.

Testifying at Hearings

Committee members often have an opportunity to testify at Board of Commissioner or community committee hearings. When providing testimony on behalf of the board or committee, members should refrain from expressing personal opinions. It is helpful if the Clerk of the Board of Commissioners receives copies of written testimony prior to the hearing.

Effective Testimony - To provide effective testimony, members should keep the following guidelines in mind:

- All testimony should be brief, concise, and honest.
- Avoid reading lengthy written testimony; instead, orally highlight important points in the written report.

- If others are offering similar testimony, try to coordinate information to avoid repetition.
- Avoid being too technical.
- Be prepared to answer questions and comments by committee members. If you are unable to answer a question, offer to provide a written response later and always follow through.
- If you absolutely must give a personal opinion, make sure that the Board of Commissioners understands that you are not speaking for the committee, but for yourself.

The News Media

The news media has the important function of informing the public about county government operations. In doing so, it provides a valuable communications link with the community. It is important to maintain a cooperative and open relationship with the media without violating privacy and other citizen rights. The following are suggested guidelines for working with the media:

- Designate a spokesperson that will speak for the committee as a whole.
- Be as open as possible, and keep your focus on the business of the committee. Personal opinions, especially those regarding other people, are inappropriate. The news media is not the place to air dissatisfactions or carry on conflicts among committee members or county employees.
- If you do not know the answer to a question or are unsure about an issue, refer the matter to a knowledgeable person on your board or committee, to the committee's county staff member, or to the Board of County Commissioners' Office.
- A "wise" committee anticipates when an event in the community will stir the interest of the media. It provides materials that are responsive and informative, but which do not violate individual privacy or undermine the dignity and authority of the committee, or county staff.

Keep in mind that the comments you make in public may also have to be made in a court of law. Do not risk your personal integrity or that of another by thoughtless or unwarranted remarks.