

Advisory Boards

Appointments and Support
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- Look to source of authority
- Recognize that purpose will need refreshing
- Keep purpose in mind for new appointees and veteran advisors
- Monitor board performance
- Choose varied observers

Define Advisory Board Purpose

- State law
 - Planning and zoning commission
 - Unique requirements and grant of authority
- Local ordinance
 - Local law can establish local boards or commissions – revisit periodically
- Local resolution
 - Resolutions can also establish local boards, but typically *ad hoc* or short-term

Source of Authority - Origins

- Governs all meetings at which a quorum will be present to engage in deliberations
- Types of meetings – regular, special or emergency
- Require agenda, minutes, nondiscriminatory place to meet
- ADA requires accessibility and accommodation for those with special needs

Open Meeting Law Basics

- Meeting - Convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter. (shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance ...)
- “Workshops” are always meetings and require compliance with requirements.

Definitions

An agenda is required for each meeting.

- Posted same as meeting notice????
- Posted 48 hours (or 24 hours for “special” meeting)
- Only “good faith” amendments
- Motion and vote required for amendments made within 48 hours of, or during, the meeting to include good faith reason

Agendas

- **HB611 – Agendas and Posting (7/1/2018)**
 - Requires governmental entities to post meeting notices and agendas to website or social media pages.
 - Only if the entities already have a webpage.
 - Requires all agenda items requiring action to be designated as “action items.”
 - Prohibits a meeting agenda from being amended after the meeting started for items which require action and were not on the agenda at the start of the meeting unless an emergency exists.

Agenda Requirements

- Members can join by telephone – must have “place” and speaker phone
- Failures to comply can be cured
 - Note shortcoming
 - Void action
 - Do it over (avoids exposure to civil penalties)
- Oversee open meeting law compliance of advisory boards
- Consider whether you will have an attendance policy – exceptions?

Additional Meeting Topics

- Organized
- Purposeful
- Respectful
- Expectations understood
 - Participants (Governing board and Staff)
 - Public
 - Rules posted?
 - Advance notice
 - Use web presence to inform

Effective Meetings

- Conducts the meeting.
- Retains rights (obligations) to discuss and vote.
- Controls public input when it is allowed.
- Ideally:
 - Keeps the discussion to the agenda item.
 - Prohibits personal attacks and discussions of issues not before the Board.

Role of the Chairman

- Most issues may be decided by voice vote.
- Certain actions require each member's vote be cast and recorded individually in the minutes:
 - Motions to go into executive session.
 - A member can request a roll call vote on any motion.
- No voting by secret ballot.
- Every member should vote unless conflicted.

Voting

• Executive Sessions

- Seldom appropriate for advisory boards. CYA
- Require approval of two-thirds of the board by roll call vote & recorded in the minutes.
- Both the motion to go into executive session and the minutes must state the specific statutory authorization for the executive session.
- For example: pursuant to Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent.
- Final actions/decisions must be made in public session??

Executive Session

- (1) All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:
 - (a) All members of the governing body present;
 - (b) All motions, resolutions, orders, or ordinances and their disposition;
 - (c) The results of all votes, and upon the request of a member, the vote of each member, by name.

Minutes

- Reflect what was decided at a meeting – (not what you wish had happened.)
- Minutes should be an expanded version of the agenda – Not on the agenda? Not a decision!
- Minutes are creating the history of the City, make the history clear to those who follow.
- Need not be a transcript – usually.
- What needs to be attached? Referenced?

More on Minutes

- Do not allow site specific discussion if you have public input.
- Hearings and meetings are different.
- ALL discussion must be on the record and recorded.
- Homework – review the file before the hearing. (OK for governing board to attend p-z meetings?) - CYA

P&Z is Different

- Hearing procedures resolution required by Idaho Code §67-6534*
- Must draw distinctions between legislative and quasi-judicial decisions
- Alert potential participants to risks of *ex parte* contact in notice
- Make rules of procedure readily available – on website
- Adjust hearing procedures resolution as issues arise

Hearing Procedures Resolution

- Qualifications may be established by state law – otherwise is local determination
- Generally a policy choice
 - Select people who are compatible with those elected – not chronic naysayers
- Should also have personal aspects
 - Diligence, cooperation, reliability, courtesy, understand public duty
- Removal for neglect of duty or general disruption – after necessary process

Appointment Criteria

- Helpful staff – to prepare agendas and meeting notices, serve as contact point, arrange for logistics, gather needed information
- A consistent, functional meeting place
- Follow up resources to see that decisions are accomplished.
- Access to those who are advisors
- Maintain budget awareness

Support Needs

- Periodically meet with your advisory boards
 - Choose the time when business is at its ebb and buy them dinner or lunch
 - Discuss general principles
- See that permanent records are maintained by the city's official records custodian – what was done is found in minutes of meetings

Communication & Permanent Records

- Transmit minutes to council
- Provide periodic report to council by advisory board chair
- Limit amount of intergovernmental diplomacy by advisory boards
- Keep advisory boards from proceeding without governing board support
- Disagreement isn't usually grounds for removal

Keep City Council Informed

- Provide adequate support – staff, facilities and records maintenance
- Appoint people with a civic conscience
- Communicate directly and thoughtfully – don't direct advisory boards what to advise you.
- Be aware of liberty interest and due process rights of even those who aren't compensated.

Keys to Success