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ORDINANCE NO. 2011-01

AN ORDINANCE OF THE COUNTY OF BUTTE, IDAHO, EXPANDING TITLE 1 OF THE BUTTE COUNTY CODE, BY ADOPTING BUTTE COUNTY CODE TITLE 1, CHAPTER 9, WHICH ESTABLISHED THE REQUIREMENTS FOR ADVISORY BOARDS WITHIN BUTTE COUNTY, IDAHO; REPEALING ALL CODE SECTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; ESTABLISHING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Butte County has various volunteer boards which offer input for various departments; and

WHEREAS, Butte County appoints members of the public to volunteer their time and serve as board members; and

WHEREAS, at this time, the Butte County Board of Commissioners, upon the advice of the Idaho Counties Risk Management Program, hereby determines the necessity for a written policy regarding those advisory boards not specifically controlled by State Cord or County Ordinance;

NOW THEREFORE BE IT ORDAINES by the Butte County Board of Commissioners that all members who serve on Butte County Boards be subject to Title 1, Chapter 9, to be added to the Butte County Code as follows:

1-9-1: **AUTHORIZATION:**

A. Pursuant to Idaho Code § 31-828, the Board of County Commissioners hereby establishes such advisory boards as are deemed necessary to ensure that a cross section of the county is represented, and the Commissioners duly advised in matters necessary to the full discharge of the duties of the chief executive authority of county government.
B. Members of advisory boards shall serve without salary or wage in an advisory capacity at the will and pleasure of the Board of County Commissioners in matters relating of concern to Butte County.
C. Nothing in this chapter shall conflict with advisory boards specifically controlled by Idaho Code.
D. This chapter shall not apply to advisory boards whose regulations are stated elsewhere in this Code.

1-9-2: **TERMS OF OFFICE:** All advisory boards shall be comprised as follows:

A. The Board of County Commissioners shall appoint and confirm the members to the advisory boards. Advisory boards shall consist of up to eleven (11) voting members. A department head selected by the Commissioners as the most appropriate for each particular advisory board shall act as an ex officio, nonvoting member.
B. Members of each advisory board shall be selected without respect to sex, age, profession, or political affiliation and shall represent a broad cross section of the County. Members should have expertise or demonstrate an interest in the

improvement, development, maintenance and/or management of the particular interest of the designated board.

C. Initial appointments to new boards made by the Board of County Commissioners shall be three (3) members for one year terms, three (3) members for two (2) year terms, and three (3) members for three (3) year terms. These initial appointments shall be considered one term.
    1. There shall be no honorary nor lifetime members of any board.
D. The Board of County Commissioners shall make all subsequent appointments for a term of three (3) years. Terms shall expire on December 31 of the expiring year.
E. When a member's term expires, the Board of County Commissioners must either reappoint the member or appoint a new member to fill the vacancy.
    1. Members of the Board of Community Guardians are specifically exempt from these term limits.
F. A member appointed to fill the position of a vacating member during a term will fulfill the remaining months of the term. This shall not constitute a term.
G. Members of an advisory board must reside in Butte County.
    1. Non-county residents may serve on an advisory board and be appointed by the Board of County Commissioners as an ex-officio, nonvoting member.
H. No person shall be appointed to an advisory board where a related person is employed within the County department or serves on the same board. For the purpose of this section, "related" shall mean any person related by blood or marriage within the second degree.
I. Members shall relinquish all voting rights upon the expiration of their terms unless reappointed to the Board.

1-9-3: **APPOINTMENT:**

A. Recommendations by the appropriate department head may be made to the Board of County Commissioners for initial and all subsequent appointments by December 1 of the expiring year. Applicants may also apply for appointment upon public notice of vacancy.
B. The Board of County Commissioners shall appoint new board members by majority vote by December 31 of the expiring year of the board member whose term is up.
C. The Board of County Commissioners can, by majority vote, reorganize or dissolve any advisory board for any reason.

1-9-4: **ORGANIZATION:**

A. Officers: Each advisory board shall elect a chairman and a vice chairman from among the committee's members. The officers shall be selected at the first meeting in January and serve for a one-year term.
    1. Chairman: The chairman shall preside at all meetings, designate subcommittee members and duties, call special meetings and be an ex officio member of all subcommittees.
    2. Vice Chairman: The vice chairman shall perform all duties of the chairman in the chairman's absence.

3. Chairman Pro Tempore: In the absence of the chairman and vice chairman, the chairman shall elect a chairman pro tempore to perform the duties of the chairman.

B. Bylaws: Advisory boards may enact such bylaws as are deemed necessary by the board to conduct business and that are not contrary to this chapter. All bylaws must be in writing and adopted by the Board of County Commissioners. All bylaws must be made available for public inspection.

1-9-5 **POWERS:**

A. Advisory Boards shall provide recommendations and advice to the Board of County Commissioners and the ex officio department head. Boards shall serve an advisory function only and have no power over the final decision of the Board of County Commissioners or the ex officio department head that serves as an ex officio member of the board.
   1. This section in no way is intended to affect the statutory authority granted to the Board of Community Guardians.

1-9-6 **DISQUALIFICATION:**

A. Any advisory board, unless stated explicitly elsewhere in this Code, may by majority vote, recommend removal of a member to the Board of County Commissioners, for any reason, including, but not limited to:
   1. Excessive conflicts of interest or continued conflicts of interest which interfere with the member's ability to perform his duties as interpreted by the board.
   2. False or misrepresenting statements by a member at the time of application and appointment.

B. In the event that a member of the committee does not attend three (3) consecutive meetings, that person must submit an explanation of the absences to the committee and the Board of County Commissioners. Upon examinations of the explanation by the advisory board may recommend, or the Board of County Commissioners may call for, the immediate resignation of that member for a high or inexcusable absentee rate.

C. Advisory board members serve at the will and pleasure of the Board of County Commissioners and any member of any board may be removed for any reason by a vote by a majority of the County Commission.

1-9-7 **SEVERABILITY:**

The Ordinance is hereby declared to be severable. Should a court of competent jurisdiction declare any portion of this Ordinance invalid, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity.

1-9-8 **EFFECTIVE DATE:**

This Ordinance shall be effective upon passage and publication as provided by law.

DATED this 11 day of June, 2012.

BUTTE COUNTY BOARD OF COMMISSIONERS

Seth Beal, Chairman

Kent Cummins, Commissioner

Brian Harrell, Commissioner

ATTEST:

Trilby S. McAffee, Clerk

SUMMARY OF BUTTE COUNTY ORDINANCE NO. 2011-01

AN ORDINANCE OF THE COUNTY OF BUTTE, IDAHO, ESTABLISHING THE REQUIREMENTS FOR ADVISORY BOARDS WITHIN BUTTE COUNTY, IDAHO; REPEALING ALL CODE SECTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; ESTABLISHING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2011-01 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE BUTTE COUNTY CLERK; 248 W. GRAND AVE.; ARCO, IDAHO

APPROVED BY THE BOARD OF BUTTE COUNTY COMMISSIONERS THIS 26 DAY OF SEPTEMBER 2011.

Board of Butte County Commissioners

Seth E. Beal, Chairman

Kent Cummins, Commissioner

Brian Harrell, Commissioner

ATTEST:

Trilby S. McAffee, Butte County Clerk

PUBLISHED: 9-28-11 & 10-5-11

STATEMENT OF APPROVAL

I, Trilby S. McAfee, Butte County Clerk, do hereby declare that the attached summary of the Butte County Ordinance No. 2011-01 is true and complete and provides adequate notice to the public, pursuant to Idaho Code 31-715A.

Trilby S. McAffee
Butte County Clerk