

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. _____

Section 1. Purpose

The Board of County Commissioners encourages citizen involvement and values citizen advice and input, and toward that end, has created certain boards, councils, commissions and committees (hereafter collectively referred to as “board”). The purpose of this ordinance chapter is to set forth a uniform procedure for appointments to such boards.

Section 2. Appointments; General provisions

(1). Each person appointed by the Board of County Commissioners to any board, council, commission or committee shall be appointed from a diverse and broadest possible base of the community at large, and shall be a resident of the County of Bernalillo.

(2). When a vacancy occurs on a board for any reason, or when the regular term of a board member is due to expire, notice of such vacancy will be posted on the County’s meeting portal website, inviting interested persons to submit a letter of interest apply and submit a resume to the County Manager’s office. For district-specific appointments, County staff shall forward all letters-applications and resumes received to the commissioner of that district for review and consideration. For at-large appointments, all such letters-applications and resumes shall be forwarded to all commissioners. When an at-large appointment vacates their position leaving an unexpired term, the original appointing Commissioner will be given the first opportunity to fill the unexpired term at the next available meeting. If a replacement cannot be found within that period, the remaining Commissioners will have an opportunity to nominate a replacement. All at-large vacancies or terms will be communicated to Commissioners.

(3). Unless otherwise provided by resolution or ordinance, a commissioner may appoint a person to serve on a board regardless of such person’s place of residence in the county, and shall not be restricted to selecting only persons who live within that commissioner’s district boundaries.

(4). A resume or biography is required for all appointments and shall be included in the agenda item the Board will consider for approval.

~~(5)~~ (4). No person regularly employed on a full-time basis by the County of Bernalillo shall be appointed to any board, provided that the County Manager, Commissioners or designees may serve as ex officio members. This prohibition shall not apply to the appointment of county employees to those boards which are established to perform a specific task or tasks in the operation of county functions.

~~(6)~~ (5). The Board of County Commissioners may establish by ordinance or resolution such other advisory boards as it determines necessary or desirable. All such boards shall have powers and

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1 duties that are advisory only, except as otherwise provided by law, and the Board of County
2 Commissioners shall reserve the power and duty to make the final decision with respect so all
3 such matters.

4
5 ~~(76)~~. No member of the immediate family of any elected County official shall be appointed to
6 any board.

7 ~~(87)~~. No person shall be a member of more than one board at any one time.

8
9 ~~(98)~~. Each board shall choose its own Chairperson and Vice-Chairperson and may choose such
10 other officers as it deems appropriate.

11
12 ~~(109)~~. Each board may adopt and operate in accordance with its own rules of procedure, as long
13 as such rules do not conflict with the rules of procedure adopted by the Board of County
14 Commissioners. Such rules shall not take effect until reviewed and approved by the County
15 Attorney.

16
17 ~~(11)~~. In addition to any requirements set forth in the County's Code of Conduct, any appointee
18 who has a direct financial interest or whose spouse or any dependent has a direct financial
19 interest in any matter pending before the respective appointed Board shall disclose such interest
20 and shall disqualify herself/himself from participating in any debate, decision or vote relating
21 thereto. In the event other facts are known to the appointee that may create a conflict of interest
22 or otherwise require disqualification of said Appointee from participating in any action on the
23 matter, the Appointee shall disclose such potential conflict of interest and shall determine
24 whether disqualification is necessary. Alternatively, the Appointee may submit the issue to the
25 their respective Board for its determination of whether disqualification is necessary under the
26 circumstances. The decision of the Board shall be final.

27
28 **Section 3. Terms.**

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30 (1). The terms of all members appointed by the board of county commissioners of the county to
31 any board, regardless of the length of the term provided in a resolution or ordinance which
32 creates the board, shall be subject to expiration when the commissioner who made the
33 appointment leaves office for any reason. A newly elected or duly appointed commissioner may,
34 in his or her sole discretion and within 90 days of taking office, choose to replace any member
35 appointed by a predecessor. If a member is not replaced by an incoming commissioner within
36 the time allotted herein, such member shall continue to serve out the remainder of the designated
37 term. Every member, unless removed as provided herein, shall hold office until a successor has
38 been duly appointed.

39
40 (2). There shall be no limits on the number of consecutive terms a member may serve on the
41 same board.

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43 **Section 4. Resignation by absenteeism, or removal.**

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1
2 (1). Any member, other than a member of the board of county commissioners, of any board who
3 was appointed to his membership by the board of county commissioners shall be conclusively
4 deemed to have resigned his membership from such board by being absent from three
5 consecutive meetings of the board to which he was appointed, or has been absent from more than
6 fifty percent (50%) of the meetings held during any twelve consecutive months, unless the
7 absence was excused prior to the meeting. To ensure attendance accountability, all County
8 created Boards shall submit a quarterly attendance report to the County Manager's Office for
9 review and dissemination to appointing Commissioners.

10
11 (2). A member of a board may be removed from office by a majority vote of the Board of
12 County Commissioners after due notice and hearing, if such member has violated any law,
13 regulation or ordinance, or for other good cause such as malfeasance or the intentional failure to
14 carry out the duties of the board.

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16 **Section 5. Severability Clause.**

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18 If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason
19 held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall
20 not affect the validity of the remaining provision of this Ordinance. The Commission hereby
21 declares that it would have passed this Ordinance and each section, paragraph, sentence, clause,
22 word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise
23 invalid.

24 **DONE** this ____ day of _____, 20149.

25
26
27 **APPROVED AS TO FORM** **BOARD OF COUNTY COMMISSIONERS**

28 _____
29 W. Ken Martinez, County Attorney _____, Chair

30
31 _____
32 _____, Vice Chair

33 _____
34 _____, Member

35 **ATTEST:** _____
36 _____, Member

37 _____
38 Linda Stover, County Clerk _____, Member

39 **APPROVED AS TO FORM** **BOARD OF COUNTY COMMISSIONERS**

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2 Randy Autio, County Attorney _____ Maggie Hart Stebbins, Chair _____
3 _____

4 _____ Debbie O'Malley, Vice Chair _____

5 _____
6 _____ Art De La Cruz, Member _____

7 **ATTEST:** _____

8 _____ Lonnie C. Talbert, Member _____

9 _____

10 Maggie Toulouse Oliver, County Clerk _____ Wayne A. Johnson, Member _____

11 _____